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# COMPILATION OF LETTERS, TELEGRAMS, REPORTS AND OTHER DOCUMENTS

OFFERED IN EVIDENCE BEFORE THE JOINT  
COMMITTEE OF CONGRESS TO INVESTIGATE  
THE DEPARTMENT OF THE INTERIOR AND  
THE BUREAU OF FORESTRY IN THE COURSE  
OF THE HEARINGS HELD BY THE COMMITTEE  
JANUARY 26-MAY 28, 1910 :: :: :: :: ::

Arranged by Subjects  
And in Chronological Order

PREPARED FOR THE USE OF THE JOINT COMMITTEE

BY

PAUL SLEMAN  
*Secretary of the Committee*

---

IN TWO VOLUMES

VOLUME II

---

WASHINGTON  
GOVERNMENT PRINTING OFFICE  
1910

**MEMBERS OF THE JOINT COMMITTEE.**

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**OLLIE M. JAMES, Kentucky**

**JAMES M. GRAHAM, Illinois.**

**PAUL SLEMAN Secretary.**

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DAILY REPORTS OF L. R. GLAVIS FROM DECEMBER, 1907, TO SEPTEMBER, 1909.

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*Daily record of work and expenses, December, 1907.*

[All signed "L. R. Glavis, Special Agent."]

December 6, 1907, Portland, Oreg.:

Examining and approving reports and attending to current work in office. Made preparation to leave for Washington, D. C.

December 7, 1907, Portland, Oreg., and en route:

Transfer baggage house to depot, 50c. Issued T. R. No. 27090 to Washington, D. C. O. R. & N. Co., sleeper, Portland to Chicago, \$14.00. Leave Portland 8.30 a. m.

December 8, 1907, en route:

En route to Washington, D. C., fee to porter on sleeper, 25c.

December 9, 1907, en route to Washington, D. C.:

Fee to porter on sleeper, 25c.

December 10, 1907, en route to Washington, D. C.:

Fee to porter on sleeper, 25c. Arrived at Chicago 3.30 p. m. Leave Chicago at 5.30 p. m. Pennsylvania Ry., sleeper to Washington, D. C., \$5.00. Extra fare, \$2.00.

December 11, 1907, en route to Washington, D. C.:

Fee to porter on sleeper, 25c. Arrived at Washington, D. C., 5.30 p. m. Transfer of baggage, depot to house, 25c.

December 12, 1907, Washington, D. C.:

In conference at G. L. O., in re work of first field division and Alaska coal cases.

December 13, 1907, Washington, D. C.:

In conference at G. L. O., in re work of first field division and Alaska coal cases.

December 14, 1907, Washington, D. C.:

In conference at G. L. O., in re work of first field division and Alaska coal cases.

December 15, 1907 (Sunday), Washington, D. C.

December 16, 1907, Washington, D. C.:

In conference at G. L. O., in re work of first field division and Alaska coal cases.

December 17, 1907, Washington, D. C.:

In conference at G. L. O., in re work of first field division and Alaska coal cases.

December 18, 1907, Washington, D. C.:

855 In conference at G. L. O. in re work of first field division and Alaska coal cases. Issued T. R. No. 26991 to Portland, Oreg.

December 19, 1907, Washington, D. C.:

In conference at G. L. O. in re condition of work in first field division and Alaska coal cases. Wired clerk at Portland to hold mail, 40 cents. Transfer, baggage, house to depot, 25 cents. Pennsylvania R. R., sleeper, Washington, D. C., to Chicago, Ill., \$5.00. Leave Washington 5.30 p. m.

December 20, 1907, en route to Portland, Oreg.:

Arrived Chicago 4 p. m. Fee to porter on sleeper, \$0.25. Leave Chicago at 6.30 p. m. C., M. & St. P., sleeper to St. Paul, Minn., \$2.00.

December 21, 1907, en route to Portland, Oreg.:

Arrived St. Paul, Minn., 7 a. m. Left St. Paul 11.45 a. m. N. P. Ry. Co., sleeper to Portland, Oreg., \$12.00.

December 22, 1907, en route to Portland, Oreg.:

Fee to porter on sleeper, \$0.25.

December 23, 1907, en route to Portland, Oreg.:

Fee to porter on sleeper, \$0.25.

December 24, 1907, Portland, Oreg.:

Arrive Portland 9.30 a. m. Fee to porter on sleeper, \$0.25. Transfer, baggage, depot to house, \$0.50. Read accumulated mail and correspondence and agents' reports.

December 25, 1907 (legal holiday), Portland, Oreg.

December 26, 1907, Portland, Oreg.:

Attended to current work in office. Left Portland, Oreg., at 11.45 p. m. for Seattle. N. P. Ry. Co., sleeper to Seattle, \$2.00. N. P. Ry. Co., fare to Seattle and return, \$11.20.

December 27, 1907, Seattle, Wash., and en route to Portland, Oreg.:

Arrived Seattle 7.30 a. m. Fee to porter on sleeper, \$0.25. Called on Andrew Kennedy to determine his qualifications for appointment as coal expert in excepted class of special agents. Left Seattle at 1.15 p. m. N. P. Ry. Co., parlor-car fare, \$1.25.

December 28, 1907, Portland, Oreg.:

Arrived Portland 8.15 a. m. Fee to porter on sleeper, \$0.25. Attending to current work. Reading accumulated mail. Reading and approving and disapproving agents' reports.

December 29, 1907, Portland, Oreg.:

Reading accumulated mail. Reading and approving and disapproving agents' reports. Attending to current work of division.

December 30, 1907, Portland, Oreg.:

Attending to current work of division. Reading accumulated mail. Reading and approving and disapproving agents' reports.

December 31, 1907, Portland, Oreg.:

Reading accumulated mail. Reading and approving and disapproving agents' reports. Attending to disbursing accounts.

*Daily record of work and expenses, January, 1908.*

[All signed "L. R. Glavis, Special Agent."]

January 1, 1908, Portland, Oreg.:

Attending to current work of office in morning. In conference with agents.

January 2, 1908, Portland, Oreg.:

Attending to current work of office. Dictated 11 letters.

January 3, 1908, Portland, Oreg.:

Attending to current work of office. Conferred with Spl. Inspr. T. B. Neuhausen in reference to land fraud trials in which I was directed to assist Mr. Heney with special agents. Conferred with agents. Dictated 6 letters. Assigned Agents Norton, Pollard & Alexander to work under Mr. Heney's instructions in pending land-fraud trials.

January 4, 1908, Portland, Oreg.:

Attending to current work of office. Dictated 15 letters.

January 5, 1908, Portland, Oreg.:

Sunday, attending to current work of office in morning.

January 6, 1908, Portland, Oreg.:

Attending to current work of office. Dictated 12 letters and form of notice for sale of illegally cut timber in re F. L. Bridgen timber trespass from H. E. 12052, Roseburg series.

856 January 7, 1908, Portland, Oreg.:

Attending to current work of office. Dictated 10 letters. Conferring with agents.

January 8, 1908, Portland, Oreg.:

Attending to current work of office. Talked with attorneys in reference to hearings on agents' charges. Interviewed various people in reference to land cases and complaints. Dictated 8 letters.

January 9, 1908, Portland, Oreg.:

Attending to current work of office. Dictated 20 letters.

January 10, 1908, Portland, Oreg.:

Attending to current work of office. Dictated 12 letters. Conferred with agents. Talked with various attorneys in re land claims and cases.

January 11, 1908, Portland, Oreg.:

Attending to current work of office. Dictated 12 letters. Conferred with agents. Talked with various attorneys in re land cases and claims.

January 12, 1908, Portland, Oreg.:

Attending to current work of office and made arrangements to proceed to San Francisco, Cal., to attend trial of case of U. S. vs. M. D. Hyde et al. Left Portland, 11.45 p. m. Expenses charged to Department of Justice.

January 13, 1908:

Arrived at Oakland, Calif., at 11 a. m. Conferred with B. W. Marshall in re trial of M. D. Hyde et al. Left Oakland, Calif., at 1.40 p. m. Arrive San Francisco,

Calif., at 2.30 p. m. Conferred with U. S. attorney in re trial of Hyde case. Expenses charged to Department of Justice.

January 14, 1908, San Francisco, California:

Assisting U. S. attorney in preparation of evidence in case of U. S. vs. M. D. Hyde et al. Expenses charged to Department of Justice.

January 15, 1908, San Francisco, California:

Attending trial of case of U. S. vs. M. D. Hyde et al, in which a continuance was granted on motion of defendants until February 11th, 1908. Left San Francisco, California, at 8 p. m., en route to Portland, Oregon. Expenses charged to Department of Justice.

January 16, 1908, en route to Portland, Oregon:

Telegraph message to Clerk W. L. Miller, Portland, Oregon, 21 words, \$0.21. Arrive Roseburg, Oregon, 11.30 p. m. Expenses charged to Department of Justice.

January 17, 1908, Roseburg, Oregon:

Commenced inspection of U. S. land office. Received advices requiring my presence in Portland, Oreg., on account of pending trials. Left Roseburg at 2.30 p. m. Arrive Portland, 11.30 p. m. Traveling expenses charged to Dept. of Justice. Subsistence not charged to Dept. of Justice.

January 18, 1908, Portland, Oregon:

Attending to current work of office. Read accumulated mail. Dictated 30 letters.

January 19, 1908, Portland, Oreg.:

Attending to current work of office. Dictated 11 letters. Prepared monthly and quarterly accounts. In conference with Chief Field Division Sharp.

January 20, 1908, Portland, Oreg.:

Attending to current work of office. Dictated 12 letters.

January 21, 1908, Portland, Oreg.:

Attending to current work of office. Dictated 18 letters.

January 22, 1908, Portland, Oreg.:

Attending to current work of office. Dictated 23 letters.

January 23, 1908, Portland, Oreg.:

Attending to current work of office. Dictated 14 letters. Worked in the evening until 10.30 p. m.

January 24, 1908, Portland, Oreg.:

Attending to current work of office. Dictated 11 letters. Worked in the evening until 11 p. m.

January 24, 1908, Portland, Oreg.:

Attending to current work of office. Worked in evening until 10.30 p. m., assisted by Clerk Miller. Dictated 14 letters.

January 25, 1908, Portland, Oreg.:

Worked on current duties connected with office. Dictated 10 letters. Worked in evening until 11 p. m.

January 26, 1908, Portland, Oreg.:

Worked five hours on 60 checks in payment for making personal service vouchers therefor, etc.

January 27, 1908, Portland, Oreg.:

Worked on current duties of office. Dictated 80 letters. Worked in evening until 10.30 p. m., assisted by Clerk Miller.

857 January 28, 1908, Portland, Oreg.:

Conferred with Mr. F. J. Heney in re land fraud trials. Instructed Special Agent Kennedy in duties of office. Attending current work of office. Dictated 6 letters.

January 29, 1908, Portland, Oreg.:

Attending to current work of office. Dictated 10 letters. Worked in the evening until 10.30 p. m.

January 30, 1908, Portland, Oreg.:

Attending to current work in office. Dictated 8 letters.

January 31, 1908, Portland, Oreg.:

Attending to current work. Worked at night until 10.30 p. m., filing papers, etc. Made out monthly account. Dictated 14 letters.

*Daily record of work and expenses, February, 1908.*

[All signed "L. R. Glavis, special agent."]

February 1, 1908, Portland, Oreg.:

Conferred with Telephone Co.'s representatives in re disconnection of phone. Instructed Special Agent Jones in re report upon inspection of land office, Roseburg, Oregon. Dictated 8 letters.

February 2, 1908, Portland, Oreg.:  
Attending to current work of office in morning. Worked on cases awaiting dates for hearings. Discussed reports in re inspection of Roseburg land office with Agent Jones.

February 3, 1908, Portland, Oreg.:  
Attending to current work of office. Conferred with special agents relative to assignments of work. Dictated 5 letters.

Will leave Feb. 8th for San Francisco to attend trial of M. D. Hyde et al.

February 3, 1908, Portland, Oreg.:  
Attended to current work of office. Conferred with agents relative to assignment of field work. Dictated 5 letters.

February 4, 1908, Portland, Oreg.:  
Attended to current work. Drew 470 cases from files and reviewed same and assigned them to the agents for field investigation.

February 5, 1908, Portland, Oreg.:  
Attended to current work. Instructed agents in re cases to be investigated in the field.

February 6, 1908, Portland, Oreg.:  
Attended to current work. Dictated 10 letters. Worked in evening until 10 p. m.  
February 7, 1908, Portland, Oreg.:  
Attended to current work. Attended trial of case of U. S. vs. J. H. Hall et al.  
February 8, 1908, Portland, Oreg.:  
Attended to current work. Dictated 8 letters. Showed Mr. Rittenhouse manner of keeping records. Prepared for trip to San Francisco. Left Portland 7.30 p. m.

February 9, 1908, en route to San Francisco:  
Expenses charged to Department of Justice.  
February 10, 1908, San Francisco, Cal.:  
Arr. San Francisco at 11 a. m. Conferred with Asst. U. S. Attorney McKinley in re trial of M. D. Hyde et al. Expenses charged to Dept. of Justice.

February 11, 1908, San Francisco, Cal.:  
Attended trial of case of M. D. Hyde et al. Case again continued upon motion of defense to February 17, 1908. Expenses charged to Department of Justice.

February 12, 1908, San Francisco, Cal.:  
Called at U. S. Attorney's office. Expenses charged to Dept. of Justice.  
February 13, 1908, San Francisco, Cal.; Oakland, Cal.:  
Went to Oakland & secured facts where U. S. attorneys have failed to vigorously prosecute. Facts to be given to Mr. Heney. Expenses charged to Dept. of Justice.

February 14, 1908, San Francisco, Cal.:  
Called at U. S. attorney's office. Wired Moore in re same. Expenses charged to Dept. of Justice.

February 15, 1908, San Francisco, Cal.:  
Expenses charged to Dept. Justice.

February 16, 1908, San Francisco, Cal.:  
Sunday.

February 17, 1908, San Francisco, Cal.:  
Attended trial of case vs. M. D. Hyde et al. Jury disagreed. Left San Francisco, Cal., at 8.00 p. m. Expenses charged to Dept. of Justice.

February 18, 1908, en route to Portland:  
858 Expenses charged to Dept. of Justice.

February 19, 1908, Portland, Oregon:  
Arr. Portland 8.00 a. m. Dictated 20 letters. Approved 50 proof notices. Conferred with Agt. Doyle in re Alaska coal cases.

February 20, 1908, Portland, Oregon:  
Dictated 23 letters. Approved 25 proof notices. Attended to current work of office. Endeavored to interview Steve Connell, of U. S. Secret Service. Worked in evening until 10.30. Made account to Department of Justice.

February 21, 1908, Portland, Oregon:  
Attended to current work. Dictated 20 letters. Interviewed Mr. Marshall in evening in re H. E. of Edward Casey. Worked in evening until 10.30 p. m., assisted by Clerk Miller.

February 22, 1908, Portland, Ore.:  
Prepared cases for hearing. Set dates for 15 cases.

February 23, 1908, Portland:  
Worked four hours attending to current work and cases on which dates have been set for hearing.

Spokane, Wash., will be my P. O. address on Mar. 2nd.

February 24, 1908, Portland:

Dictated 10 letters. Interviewed Mr. Thompson, attorney for John R. & Lester W. Shaver, in re their H. Es. awaiting hearing. Attended to routine work of office. Worked in evening until 10.30 p. m., assisted by Clerk Miller.

February 25, 1908, Portland, Oregon:

Attended to current work. Approved 75 proof notices. Dictated 15 letters. Worked in evening until 10.30.

February 25, 1908, Portland, Oregon:

Attended to current work. Approved 75 proof notices. Dictated 15 letters. Worked in evening until 10.30.

February 26, 1908, Portland, Oregon:

Dictated 20 letters. Three interviews. Arranged papers in Alaska coal cases. Reviewed testimony taken in the Portland Coal & Coke Co. case preparatory to conference with asst. U. S. attorney at Seattle, Wash.

February 26, 1908, Portland, Oregon:

Dictated 20 letters. Three interviews. Reviewed testimony taken in the Portland Coal & Coke Company cases, preparatory to conference with asst. U. S. attorney at Seattle, Wash. Arranged papers in Alaska coal cases.

February 27, 1908, Portland, Oregon:

Four interviews. Dictated 19 letters. Approved 100 proof notices. Attended to current work.

February 27, 1908, Portland, Oregon:

Four interviews. Dictated 19 letters. Approved 100 proof notices. Attended to current work.

February 28, 1908, Portland, Oregon:

Dictated 28 letters. Approved 48 proof notices. Assigned 15 cases to Special Agent Alexander. Attended to current work. Worked in evening until 10.30.

February 28, 1908, Portland, Oregon:

Dictated 28 letters. Approved 48 proof notices. Assigned 15 cases to Agent Alexander. Attended to current work. Worked in evening until 10.30.

February 29, 1908, Portland, Oregon:

Made monthly accounts. Dictated 30 letters. Worked on Alaska coal cases. Approved 50 proof notices.

Spokane will be my P. O. address March 4 to 7, inc.

February 29, 1908, Portland, Oregon:

Made monthly accounts. Dictated 30 letters. Approved 50 proof notices. Worked on Alaska coal cases.

### *Daily record of work and expenses, March, 1908.*

[All signed "L. R. Glavis, special agent."]

March 1, 1908, Portland and en route:

Worked all morning dictating data for Mr. Heney's information. Worked all evening preparing for trip. Issued T. R. No. 26992 to Seattle, Wash. N. P. Ry. Co., sleeper to Seattle, \$2.00. Bus fare, hotel to depot, .25. Left Portland at 11.45 p. m.

March 2, 1908, Seattle, Wash.:

Arr. Seattle at 7 a. m. Fee to porter on sleeper, .25. Bus fare, depot to hotel, .25. In conference with asst. U. S. attorney in re Portland Coal & Coke Co. case; also 859 Wilson coal cases. Bus fare, hotel to depot, .25. Interviewed Cap't Arnold E. Neate in re Alaska coal cases. N. P. Ry. Co., fare, Seattle to Spokane, 10.10. N. P. Ry. Co., sleeper, Seattle to Spokane, 2.50. Telegram to Jones at Portland, .20. Left Seattle at 9.30 p. m.

March 3, 1908, Spokane, Wash.:

Fee to porter on sleeper, .25. Arr. Spokane at 11.30 a. m. Telegram from Clerk Miller, .50. Secured information from Ag't Doyle in re Alaska coal cases. Arranged and examined papers in Alaska coal cases.

March 4, 1908, Spokane, Wash.; Harrison, Ida.; Wallace, Ida.:

Left Spokane at 9 a. m. Coeur d'Alene & Spokane Ry. Co., fare, Spokane to Harrison, Ida., & return, \$2.50. Coeur d'Alene & Spokane Ry. Co., parlor car fare, Spokane to Coeur d'Alene, .25. Arr. Harrison at 11.40 a. m. Left Harrison at 12.15 p. m. Arr. Wallace at 2.30 p. m. O. R. & N. Co., fare, Harrison to Wallace, \$1.50. Interviewed F. F. Johnson and Orville D. Jones in Alaska coal cases. Portland will be my p. o. address on the 10th.

March 5, 1908, Wallace, Idaho; Harrison, Idaho; Spokane, Wash., en route to Seattle:

Took affidavit of F. F. Johnson and Orville D. Jones in re Alaska coal cases. Left Wallace at 12.15 p. m., arr. Harrison at 2.30 p. m. O. R. & N. Co., fare, \$1.50. Left

Harrison at 2.35 p. m., arr. Coeur d'Alene at 4.10 p. m. Arr. Spokane at 5 p. m. Coeur d'Alene & Spokane Ry. Co., parlor car fare, .25. Issued T. R. No. 26993 for Agt. Jones & myself to Seattle. G. N. R. R., sleeper, Spokane to Seattle, \$2.50. Left Spokane at 5.15 p. m.

March 6, 1908, Seattle, Wash., en route to Portland

Arr. at Seattle at 7 a. m. Fee to porter on sleeper, .25. Took affidavit of Clarence Cunningham and secured possession of certain papers and records in re Alaska coal cases. Interviewed M. C. Moore in re above case. Wired G. L. O. in re above case. Left Seattle at 10.20 p. m. Rode on T. R. of Agt. Jones. N. P. Ry. Co., sleeper, Seattle to Portland, \$2.00.

March 7, 1908, Portland:

Arr. Portland at 7 a. m. Fee to porter on sleeper, \$.25. Bus fare, depot to hotel, \$.25. Dictated 14 letters. Read reports of agents; approved accounts of Ag't. Stoner. 4 interviews.

March 8, 1908, Portland:

Sunday.

March 9, 1908, Portland:

Dictated 16 letters; approved Ag't Pollard's account; conferred with U. S. Judge Wolverton in re appointment of U. S. commissioners. In conference with U. S. attorney's office. Worked in evening checking up work, etc., until 10.30 p. m.

March 10, 1908, Portland:

Dictated 25 letters; 7 interviews; in conference with U. S. attorney's office in re presentation of cases before grand jury. Worked in evening until 10.30 p. m.

March 11, 1908, Portland:

Dictated 9 letters; 3 interviews. Called upon attorneys for defendants in the Portland Coal & Coke Co. cases. Attended to routine work of office; approved 75 proof notices.

March 12, 1908, Portland, Oregon:

Attended to routine work of office. Approved 30 proof notices. Dictated 22 letters. Worked in evening until 10.30.

March 13, 1908, Portland, Oregon:

Approved 20 proof notices. Dictated 10 letters. 4 interviews. Worked on records. Worked in evening until 11 o'clock.

March 14, 1908, Portland, Oregon:

Attended to current work of office. Dictated 15 letters. Approved 33 proof notices. Worked in the evening until 10.30.

March 15, 1908, Portland, Oregon:

Worked on records. Attended to current work of office. Worked all forenoon Sunday.

March 16, 1908, Portland, Oregon:

Attended to routine work of office. Dictated 8 letters. Approved 30 proof notices. 7 interviews. Worked in evening until 10.30.

March 17, 1908, Portland, Oregon:

Attended to current work of office. Dictated 12 letters. Approved 13 proof notices. Worked in evening until 10.30.

March 18, 1908, Portland, Oregon:

Attended to current work. Dictated 20 letters. Approved 27 proof notices. 1 interview.

860 March 19, 1908, Portland, Oregon:

Dictated 14 letters. Approved 6 proof notices. Attended to current work. Worked in evening until 10.30.

March 20, 1908, Portland, Oregon:

Attended to current work. Dictated 33 letters. Approved 17 proof notices. 4 interviews. Conferred with agents in re assignments. Worked in evening until 10.45.

March 21, 1908, Portland, Oregon:

Approved 36 proof notices. Conferred with agents in re hearings. 3 interviews. Worked in evening until 10.30.

March 22, 1908, Portland, Oregon:

Attended to current work of office. Dictated 12 letters. 4 interviews. Worked until 10 p. m.

March 23, 1908, Portland, Oregon:

Attended to current work of office. Approved 73 proof notices. Dictated 8 letters. Worked in evening until 10 p. m.

March 24, 1908, Portland, Oregon:

Worked on records and current office work. Dictated 5 letters. Approved 13 proof notices. 7 interviews.

March 25, 1908, Portland, Oregon:  
 Attended to current work. Dictated 18 letters. Worked in evening until 10 p. m.  
 March 26, 1908, Portland, Oregon:  
 Attended to current work in office. Dictated 7 letters. Approved 46 proof notices.  
 Worked in evening until 9 p. m.  
 March 27, 1908, Portland, Oregon:  
 At U. S. atty's office arranging and preparing evidence in Umatilla cases. In conference with U. S. atty. in re said cases. Dictated 5 letters and 1 statement.  
 March 28, 1908, Portland, Oregon:  
 At U. S. atty's office arranging and preparing evidence in Umatilla cases. In conference with U. S. atty. in re same. In conference with T. B. Neuhausen in re transfer of records.  
 March 29, 1908, Portland, Oregon:  
 Sunday. Worked all forenoon on records. Dictated 5 letters.  
 March 30, 1908, Portland, Oregon:  
 In conference with Spl. Insptr. Neuhausen in re transfer of records. Attended to current work of office. Dictated 4 letters. Approved 31 proof notices. Worked in evening until 11 p. m.  
 March 31, 1908, Portland, Oregon:  
 Attended to current office work. Six interviews. Dictated 12 letters. Approved 26 proof notices. In conference with T. B. Neuhausen in re transfer of records.

*Daily record of work and expenses, April, 1908.*

[All signed "L. R. Glavis, special agent."]

April 1, 1908, Portland, Oregon:  
 Made out monthly account. Secured services of a stenographer. Instructed stenographer in re duties, etc. Attended to current work. Wrote 5 letters. Approved 23 proof notices.  
 April 2, 1908, Portland, Oregon:  
 Attended to routine work of office.  
 April 3, 1908, Portland, Oregon, & Salem, Oregon:  
 Attended to routine work of office. Dictated 14 letters. Left Portland, Ore., at 3.35 p. m. Arrived Salem, Ore., at 5.45 p. m. Oregon Electric R. R. Co., 2 fares, Portland to Salem, Ore., \$3.00; S. P. Ry. Co., 2 fares, Salem to Portland, Oregon, \$3.30.  
 April 4, 1908, Portland, Oregon:  
 Had 5 interviews; dictated 15 letters. Attended to current work in office.  
 April 5, 1908 (Sunday), Portland, Oregon:  
 Attended to current work, arranging files, etc.  
 April 6, 1908, Portland, Oregon:  
 Attended to current work of office. Dictated 24 letters. 3 interviews. Approved 14 proof notices. Worked in evening until 11 o'clock.  
 April 7, 1908, Portland, Oregon:  
 In conference with Chief Field Service Division H. H. Schwartz.  
 April 8, 1908, Portland, Oregon:  
 In conference with Chief Field Service Division H. H. Schwartz. Left Portland 11.45 p. m.; N. P. Ry. Co., fare to Seattle and return, \$11.20; N. P. Ry. Co., sleeping car, fare \$2.00.  
 861 April 9, 1908, Seattle, Washington:  
 Arrived Seattle 7.15 a. m. Fee to porter of sleeper, 25c. Conferred with Agents Stoner and Kennedy in re coal land investigation. Worked on coal land investigations. Conferred with Judge Ballinger in re same. Wired G. L. O. for all records pertaining to Alaska coal cases.  
 April 10, 1908, Seattle, Washington:  
 Took affidavit of J. G. Smith. Interviewed A. M. Arnold in re his coal claim. Interviewed Clarence Cunningham in re Alaska coal claim. Instructed Agents Stoner and Kennedy in re making investigations.  
 April 11, 1908, Seattle, Washington:  
 Took affidavit of S. C. Chezum in re his coal claim and claims for which he is agent. Conferred with Judge R. A. Ballinger in re Alaska coal cases. Conferred with U. S. atty. in re P. Co. coal cases & Wilson coal cases and referring to evidence obtained in Alaska coal cases with a view to criminal prosecution. Interviewed Mr. McDonald in re Alaska cases. Left Seattle 10.20 p. m. N. P. Railway Co. fare to Portland, \$5.60; N. P. Railway Co. sleeper to Portland, \$2.00.  
 April 12, 1908, Portland, Oregon:  
 Arrived Portland 7 a. m. Fee to porter sleeper, 25c. Worked in office all forenoon reading accumulated correspondence, etc.

April 13, 1908, Portland, Oregon:

Dictated 25 letters. Four interviews. Worked on accounts expense of hearing. Attended to service of subpoenas. Worked in office until 10.00 p. m. making new cases.

April 14, 1908, Portland, Oregon:

Dictated 20 letters. Three interviews. Looked up land decisions in reference to interpreting rules of practice.

April 15, 1908, Portland, Oregon:

Dictated 14 letters. Conferred with agents in re work. At U. S. atty. office in re preparation of list for transferring records of Neuhausen. Three interviews. Worked in evening until 10.30 looking up land decisions in reference to Indian allotments, drawing checks in payment of hearings, and working on hearing accounts.

April 16, 1908, Portland, Oregon:

Dictated 20 letters. Prepared and submitted quarterly account. 1 quart bottle of ink, \$.75. Worked on records turned over by Special Inspector Neuhausen. Worked in evening until 10.

April 17, 1908, Portland, Oregon:

Dictated 18 letters. Assisting Agent Norton in preparing reports on cases and attended to the preparation of records concerning payments made for hearings. 4 interviews. Attended to routine work of office.

April 18, 1908, Portland, Oregon:

Dictated 30 letters. 3 interviews. Worked in office until 10.30.

April 19, 1908 (Sunday), Portland, Oregon.

April 20, 1908, Portland, Oregon:

Attended to routine work in office. Dictated 28 letters. 7 interviews. Spent entire morning in securing and dictating affidavit of Jerad McIrwin. N. P. Railway fare, Portland to Seattle, \$.60; N. P. Co. sleeper, Portland to Seattle, \$2.00. Left Portland 11.45 p. m.

April 21, 1908, Seattle, Washington:

Fee to porter on sleeper, 25c. Arrived Seattle 7.15 a. m. In conference with Agents Kennedy, Stoner & Jones in re Alaska coal cases; instructed them in re same. Conferred with U. S. atty. in re criminal prosecution. Spent all afternoon in interviewing H. R. Harriman, John Davis & Claude Davis in re their Alaska coal land entries, and those in Hunt group. Examined the minutes of meeting of Alaska Petroleum & Coal Co. Transfer satchell from hotel to depot, 25c. N. P. Railway fare to Portland, \$.60; N. P. Railway sleeper, \$2.00. Left Seattle 10.20.

April 22, 1908 (Sunday), Portland, Oregon:

Attended to current work. Worked on records.

(Across face:) Beefsteak.

April 22, 1908, Portland, Oregon:

Arrived Portland 7. a. m. Fee to porter on sleeper, 25c. Dictated 2 letters. Read and approved 30 special agents' reports. Grants Pass will be my P. O. address until Apr. 28.

April 23, 1908, Portland, Oregon:

Assigned cases for Special Agent Norton. Approved special agents reports. Dictated 5 letters. S. P. Railway Co. fare, Portland to Grants Pass, \$.95; S. P. Railway Co. sleeper, 2.00; purchase 1 roll Kodak films, .70. Left Portland at 7.45.

862 April 24, 1908:

Fee to porter on sleeper, 25c. Arrived in Grants Pass at 9.20. Left Grants Pass with J. W. McIrwin at 10.30. Drove to sec. 36, Tp. 34 S., R. 5 W. Team hire, \$4.50. Purchased 1 roll Kodak films, 70¢. Made field examination of settlement claims of M. N. Frantz; B. C. Frantz. Paid J. W. McIrwin services as assistant, \$4.00. Remained all night at M. N. Frantz's cabin.

April 25, 1908:

Left Frantz's cabin at 6 a. m. Made field examinations of settlement claims of Oscar Olsen; A. R. Jones; H. Henry; — Burnham; William Young; B. A. Seaborg. Took affidavits of M. N. Frantz, B. C. Frantz, Oscar Olsen, A. R. Jones, H. Henry, — Burnham, Wm. Young, B. A. Seaborg. Paid J. W. McIrwin services as assistant, \$4.00. Remained all night at Seaborg's cabin.

April 26, 1908:

Left Seaborg's cabin at 6.30 a. m. Made field examinations of settlement claims of L. A. Hare, T. H. Hickethier; took their affidavits in re same. Walked to Placer. Arrived at Placer at 6.30 p. m. Walked 20 miles. Paid J. W. McIrwin services as assistant, \$4.00.

April 27, 1908:

Left Placer at 6 a. m. Drove to Leland. Arrived Leland at 8 a. m. Team hire, \$2.25. Left Leland at 8.45. Arrived at Grants Pass 9.30. S. P. Railway fare, 60¢. Made investigation relative to case under investigation. Left Grants Pass at 11 a. m.



Arrived Portland 11.15 p. m. S. P. Railway fare, 8.95. S. P. parlor car fare, 1.50. Fee to porter on parlor car, 25¢.

April 28, 1908, Portland, Oregon:

Dictated 12 letters. 4 interviews. Reading over papers and preparing making 150 new cases. Worked in evening until 10 p. m.

April 29, 1908, Portland, Oregon:

Cross-examined Calkins and his two proof witnesses in re his commutation proof made before U. S. land office. Dictated 8 letters. 3 interviews. Sent telegram to Special Agent Spaulding. Sent two telegrams to G. L. O. in re necessity of additional force.

April 30, 1908, Portland, Oregon:

Examined 5 monthly accounts. Dictated 15 letters. Prepared monthly account. 2 interviews. Took affidavit of Davidson in re his Alaska coal entry. Oakland, Cal., will be my P. O. address on May 5th.

*Daily record of work and expenses, May, 1908.*

[All signed "L. R. Glavis, special agent."]

May 1, 1908, Portland, Oreg.:

Personally wrote five-page letter to G. L. O. in re necessity for additional force. Attending to the clerical work of the office. Oakland will be my P. O. address until May 9th.

May 2nd, 1908, Portland, Oreg.:

Approved 40 proof notices. Attending to routine work of the office.

May 3rd, 1908 (Sunday), Portland, Oreg.

May 4th, 1908, Portland, Oreg.:

4 interviews. Attending to routine work of the office. In conference with U. S. atty. concerning data necessary to commence suits to set aside patents.

May 5th, 1908, Portland, Oreg.:

Wrote 10 letters. Approved 40 proof notices. 4 interviews. Worked in the office until 10 o'clock attending to routine work of the office.

May 6th, 1908, Portland, Oreg.:

Attending to routine work of the office. Wrote 15 letters. In conference with U. S. atty. relative to grand jury matters.

May 7th, 1908, Portland, Oreg.:

Attending to routine work of the office. Wrote 16 letters. In conference with U. S. atty. relative to grand jury matters.

May 8th, 1908, Portland, Oreg.:

Wrote 7 letters. 5 interviews. Conferred with U. S. atty. Worked in the evening until 10 o'clock.

May 9th, 1908, Portland, Oreg.:

Attending to routine work of the office.

May 10, 1908 (Sunday), Portland, Oreg.:

Worked half day.

863 May 11th, 1908, Portland, Oregon:

Approved 75 proof notices. Wrote 8 letters. 3 interviews. Instructed agents relative to information required in re suits to set aside patents. Worked on evidence in Umatilla case. Worked in the evening until 10 p. m. attending to routine work of the office.

May 12, 1908, Portland, Oregon:

Attending to routine work of office. Personally wrote 4 letters. Attended to clerical work of the office. Clerk Miller assisting U. S. atty. in preparing indictments in Umatilla case.

May 13, 1908, Portland, Oregon:

Attended to clerical work of the office. Clerk Miller assisting U. S. Atty. in preparing indictments in Umatilla case. In conference with U. S. Atty.

May 14, 1908, Portland, Oregon:

Examined abstracts of titles in re suits to be commenced to set aside patents. Conferred with U. S. Atty. relative to additional evidence desired in Umatilla case. Wrote 10 letters. Worked in evening until 10 p. m. attending to routine work of the office, Clerk Miller typewriting indictments in Umatilla cases.

May 15, 1908, Portland, Oregon:

5 interviews. Wrote 15 letters. Conferred with J. C. McIrwin relative to my criminal cases in southern Oregon. Interviewed 2 persons in Portland in re same. Worked in the evening listing papers turned over by Neuhausen.

May 16th, 1908, Portland, Oregon:

Dictated 32 letters. Made 5 reports to U. S. Atty. with a view to criminal prosecution. In conference with U. S. Atty. relative to evidence in Umatilla and other cases.

May 17th, 1908 (Sunday), Portland, Oregon:

Worked half a day on matters pertaining to suits to set aside patents.

May 18th, 1908, Portland, Oregon:

Made 2 reports to U. S. Atty. with view to criminal prosecution. Dictated 12 letters. Conferred with the U. S. Atty. in re matters under investigation. Worked in the evening until 10.30, assisted by Agents Pollard, Jones, Stoner, and Spaulding, working on the abstract titles in which suits to set aside patents are to be brought.

May 19, 1908, Portland, Oregon:

4 interviews. Dictated 15 letters. In conference with U. S. Atty. in re suits to set aside patents and criminal cases. Worked in the evening until 9.30.

May 20th, 1908, Portland, Oregon:

Dictated 10 letters. Conferred with U. S. Atty. in re civil and criminal cases. Made arrangements for the purchase of about \$400 worth of office furniture. Secured temporary services of stenographer for the U. S. Atty. Attended to routine work of office.

May 21, 1908, Portland, Oregon:

Dictated 9 letters. 5 interviews. In conference with U. S. Atty. in re cases to be presented to the grand jury.

May 22, 1908, Portland, Oregon:

Dictated 7 letters. 9 interviews. Returned 200 proof notices. In conference with U. S. Atty. preparing cases to be presented to grand jury. Secured bids for office furniture. Worked in the evening until 10.30 preparing cases to be brought to set aside patent and grand jury cases.

May 23rd, 1908, Portland, Oregon:

Worked on suits setting aside 44 patents. In conference with U. S. Atty. relative to cases to be presented to grand jury, also civil cases. 2 interviews.

May 24th, 1908 (Sunday), Portland, Oregon:

Worked all day and in the evening preparing bills of complaint setting aside patents.

May 25th, 1908, Portland, Oregon:

In attendance before the grand jury from 10 to 4.30. Wrote 15 letters.

May 26th, 1908, Portland, Oregon:

Made 19 partial reports in re fraudulent lieu land selections. In conference with U. S. Atty. relative to files. Worked in evening until 8.30.

May 27, 1908, Portland, Oregon:

Reviewing the evidence in perjury case in 34 S. 5 West. Conferred with U. S. Atty. in re criminal cases and grand jury matters. Dictated 19 letters. 6 interviews. Conferred with special agents. Worked in the evening until 10 p. m.

May 28th, 1908, Portland, Oregon:

In conference with U. S. Atty. Dictated 12 letters. 7 interviews. Attending to routine work of the office.

864 May 29th, 1908, Portland, Oregon:

Conferred with U. S. Atty. in re cases to be presented to grand jury, and worked on Umatilla cases. Dictated 17 letters. Worked in the evening attending to routine work of the office.

May 30th, 1908 (legal holiday), Portland, Oregon:

Worked forenoon attending to routine work of office.

May 31, 1908 (Sunday), Portland, Oregon.

*Daily record of work and expenses, June, 1908.*

[All signed "L. R. Glavis, special agent."]

June 1st, 1908, Portland, Oregon:

In conference with U. S. atty. Assigned work to new agents and instructing them as to their duties. Dictated 8 letters. Worked in evening until 9.30.

June 2, 1908, Portland, Oregon:

Worked on cases for presentation to grand jury. Dictated 25 letters; 4 interviews. Instructing new agents as to duties. Assigned cases for field examinations. Worked in the evening until 10 p. m.

June 3rd, 1908, Portland, Oregon:

In conference all morning with U. S. atty. 7 interviews. 15 letters dictated.

June 4th, 1908, Portland, Oregon:

Made out monthly account. Attended to disbursing account. Dictated 10 letters. In conference with U. S. atty. concerning grand jury cases. Worked in the evening until 9 o'clock attending to routine work of the office.

June 5, 1908, Portland, Oregon:  
 Checked and compared disbursements for expenses of hearings. Dictated 15 letters. 5 other interviews. Worked in the evening until 10 p. m.

June 6, 1908, Portland, Oregon:  
 Dictated 20 letters. Assigned cases to be investigated by Agent Norton. 4 interviews.

June 7, 1908 (Sunday), Portland, Oregon:  
 Reading Special Agent Norton's reports. Telephoned to receiver at The Dalles.

June 8, 1908, Portland, Oregon:  
 Worked from 8 to 9 a. m. Worked from 11.30 to 2.15. Worked from 4 to 6. Dictated 15 letters. 9 interviews. Left Portland at 8 p. m. Arrived at The Dalles 11.30 O. R. & N. Co. fare Portland to The Dalles and return, \$4.00; parlor-car fare, .50.

June 9, 1908, The Dalles and Portland:  
 Left The Dalles at 1.45 p. m. Arrived Portland 5.15 p. m. Wired G. L. O. to suspend Long. Worked in evening until 9.30 p. m.

June 10, 1908, Portland, Oregon:  
 Dictated 30 letters. Made affidavit in re Cunningham group coal cases. Approved 100 proof notices. Worked in the evening until 9 p. m. arranging evidence in cases to be presented to grand jury.

June 11, 1908, Portland, Oregon:  
 In attendance before grand jury from 9 a. m. to 4 p. m. Testified in the cases of U. S. vs. Meade and U. S. vs. Hazelwood. Dictated 12 letters.

June 12, 1908, Portland, Oregon:  
 In attendance before grand jury from 9 to 3 p. m. Dictated 23 letters. Assigned 100 cases for field work.

June 13, 1908, Portland, Oregon:  
 Dictated 34 letters. Attending to routine work of the office.

June 14, 1908 (Sunday), Portland, Oregon:  
 Directing Special Agent Pollard as to inspection of Roseburg land office.

June 15, 1908, Portland, Oregon:  
 Took affidavit of H. C. McIntosh. Gave testimony in case of U. S. vs. Hattie E. Blue involving H. E. No. 7220, Sacramento, California, district. Dictated 18 letters. Worked in evening until 9.30 p. m.

June 16, 1908, Portland, Oregon:  
 Testified before grand jury and examined witnesses in re my perjury cases in 34 South 5 West. Dictated 20 letters. 5 interviews.

June 17, 1908, Portland, Oregon:  
 Testified before grand jury and examined witnesses in re my perjury cases in 34 South and 5 West. Dictated 8 letters. 6 interviews.

June 18, 1908, Portland, Oregon:  
 Dictated 23 letters. 5 interviews. Attending to routine work of the office.

865 June 19th, 1903, Portland, Oregon:  
 Assisting U. S. atty. in preparing indictments in land cases. Dictated 17 letters. 4 interviews.

June 20th, 1908, Portland, Oregon:  
 Assisting U. S. atty. in preparing indictments in land cases. Dictated 22 letters. In conference with Special Agent Love in re Alaska matters.

June 21, 1908 (Sunday), Portland, Oregon:  
 June 22, 1908, Portland, Oregon:  
 Attending to routine work of office. Approved 50 proof notices. 8 interviews. Dictated 18 letters.

June 23, 1908, Portland, Oregon:  
 Approved 75 proof notices. Checking and comparing records. Worked in evening until 9 p. m.

June 24, 1908, Portland, Oregon:  
 Checking and comparing card index with assignment cards to ascertain whether all cases to be investigated are on assignment cards.

June 25, 1908, Portland, Oregon:  
 In conference with U. S. atty. relative to cases to be presented to grand jury. Dictated 20 letters. 4 interviews. Worked in the evening until 10 p. m. working on cases preparatory to submitting to U. S. atty. for suit to set aside patent.

June 26, 1908, Portland, Oregon:  
 Dictated 18 letters. 6 interviews. Assigning cases to agents for field investigations. Approved 10 reports of agents. Worked in the evening until 10 p. m., working on cases preparatory to submitting to U. S. atty. for suit to set aside patent.

June 27, 1908, Portland, Oreg.:

Made report to U. S. atty. submitting papers and evidence in 30 cases with a view to institute suit to set aside patent. 5 interviews. Dictated 13 letters. Approved 40 proof notices.

June 28, 1908 (Sunday), Portland, Oregon.

June 29, 1908, Portland, Oreg.:

Preparing data for tabulation of total number of all kinds of cases by land districts. Dictated 17 letters. Approved 43 proof notices.

June 30, 1908, Portland, Oreg.:

Dictated 22 letters. Examined and approved 8 monthly accounts. Examined and approved special agents' reports.

*Daily record of work and expenses, July, 1908.*

[All signed "L. R. Glavis, special agent."]

July 1, 1908, Portland, Oreg.:

Approved 95 proof notices. 4 interviews. Examined and approved special agents' reports. Assigned cases for investigation. Instructed agents as to manner of investigation. Dictated 12 letters.

July 2, 1908, Portland, Oreg.:

Six interviews. Examined and approved special agents' reports. Assigned cases for investigation. Instructed agents as to manner of investigation. Dictated 8 letters.

July 3, 1908, Portland, Oreg.:

Dictated 33 letters. Transfer of sack of mail from post-office to office, \$0.50. Four interviews.

July 4, 1908 (Saturday, legal holiday), Portland, Oreg.

July 5, 1908 (Sunday), Portland, Oregon.

July 6, 1908, Portland, Oregon:

Dictated 23 letters. Dictated affidavit of Emil Arndt in re his H. E. Assisted U. S. atty. in examining witnesses in civil suits to set aside patent in which C. A. Smith Lumber Co. are defendants. Transfer of sack of mail from post-office to office, \$0.50. Worked in the evening until 10 p. m.

July 7, 1908, Portland, Oregon:

Prepared stipulation in Anderson cases. Telephoned Higby, Roseburg, in re Anderson cases. Dictated 6 letters. Instructed Agent Cowgill in re cases to be reported. Conferred with Agent Stoner in re unlawful enclosure reports.

July 8, 1908, Portland, Oregon:

Conferred with officials of the Reclamation Service in re cooperation in investigating entries within the projects. Submitted 6 unlawful cases to the U. S. attorney with a view to criminal and civil proceedings. Dictated 20 letters. Interviewed N. Thomas at county jail. Read and approved agent's reports. 3 interviews. Worked in the evening until 10 p. m.

866 July 9, 1908, Portland, Oregon:

In conference with Secretary of the Interior. Dictated 7 letters. Conferred with R. & R. Vancouver land office in re pending cases investigated by me.

July 10, 1908, Portland, Oregon:

Made 6 unfavorable reports. Conferred with Secret Service Agent Steve Connell in re Oregon matter. Conferred with U. S. Atty. in re cases for criminal prosecution. Made report to the secretary in reference to giving my opinion as to proper manner of conducting cases within forest reserve. Issued T. R. 3903 to Seattle and return. N. P. Railway Co. sleeper to Seattle, \$2.00. Dictated 8 letters. 4 interviews. Left Portland 11.45 p. m.

July 11, 1908, Portland, Oregon:

Arrived Seattle 7 a. m. Fee to porter on sleeper, \$0.25. Conferred with U. S. Atty. in re cases U. S. vs. Wilson Coal Co. and case U. S. vs. Portland Coal & Coal Co. Conferred with atty. in Wilson Coal Co. in re hearing. Conferred with the commissioner in re Oregon matters. N. P. Railway Co., Seattle to Portland, sleeper, \$2.00. Left Seattle at 10 p. m.

July 12, 1908 (Sunday), Portland, Oregon:

Arrived Portland 7 a. m. Fee to porter on sleeper, \$0.25. Conferred with Mr. A. C. Shaw, of the Forest Service, in re Anderson cases and general matters of interest between the two services.

July 13, 1908, Portland, Oregon:

Dictated 20 letters. Assigned cases for field investigation to Agent Alexander. Held conferences with U. S. Atty. and assistant to Atty.-General Becker in reference to transfer of records and cases to be handled by Mr. Neuhausen.

July 14, 1908, Portland, Oregon:  
 Dictated 15 letters. Approved 12 agents' reports. 4 interviews. Assigned cases for field investigation to Agent Norton.

July 15, 1908, Portland, Oregon:  
 Made two favorable reports in re timber and stone applications of Albert Kimball and Van Murphy. Dictated 7 letters. Two interviews. Preparing cases in forest reserve to be turned over to Forest Service.

July 16, 1908, Portland, Oregon:  
 Dictated 24 letters. Four interviews. Checking cases in forest reserve and preparing to transmit same to Forest Service.

July 17, 1908, Portland, Oregon:  
 In conference with commissioner. Approved 75 proof notices. Dictated 4 letters.

July 18, 1908, Portland, Oregon:  
 In conference with commissioner. Approved 35 proof notices.

July 19, 1908 (Sunday), Portland, Oregon.

July 20, 1908, Portland, Oregon:  
 Paid express for transfer of papers from post-office to custom-house, .50. In conference with Mr. McGhee of the General Land Office in reference to Lakeview matters. Dictated 40 letters. Three interviews.

July 21, 1908, Portland, Oregon:  
 Issued T. R. No. 3904 for Seattle. Transfer of baggage, hotel to depot, .50. Dictated 35 letters, arranging cases to be assigned to agents. Five interviews. Left Portland 11.45 p. m. Bus fare, hotel to depot, .25.

July 22, 1908, Seattle, Wash.:  
 Arrived at Seattle at 7 a. m. Fee to porter on sleeper, .25. Trans. baggage, depot to hotel, .50. Made arrangements for trip to Alaska. Issued T. R. No. 3905 for 2 tickets to Nome and return (\$400.00). One kodak film, .75.

July 23, 1908, Seattle, Wash., en route to Juneau:  
 One kodak film, \$0.75. Transfer baggage, hotel to wharf, \$0.25. Left Seattle at 10 a. m. on the steamer Jefferson, en route to Juneau.

July 24, 1908, en route to Juneau:  
 Fee to steward, \$0.25.

July 25, 1908:  
 Fee to steward, \$.25. Arrived Ketchikan at 7 p. m. Made investigation as to timber trespass. Left Ketchikan at 8.30 p. m.

July 26, 1908, Wrangell Tyee:  
 Fee to steward, \$.25. Arrived Wrangell at 7.30 a. m.; ascertained timber trespass by Mill Co. Left Wrangell at 8.30 a. m.; arrived Tyee at 5.30 p. m. Left Tyee at 6.15 p. m.

July 27, 1908, Juneau:  
 Arrived at Juneau 5 a. m. Fee to steward, \$.25. Transfer baggage, wharf to hotel, .50. Secured information at surveyor-general's office—partially inspected land office. Interviewed J. P. Jorgenson in re settlement for timber. Transfer baggage, hotel to wharf, .50. 1 roll kodak films, .50. Left Juneau at 6.30 p. m.

867 July 28, 1908, Skagway:  
 Arrived Skagway at 7 a. m. Fee to steward, \$.25. Left Skagway at 9.30 a. m. Arrived White Horse at 5.30 p. m.

July 29, 1908, en route:  
 Left White Horse on steamer *Casca* at 2 a. m. Fee to steward, \$.25.

July 30, 1908:  
 En route to Dawson, B. C. Fee to steward, \$.25.

July 31, 1908, Dawson:  
 Arrived Dawson at 8.30 a. m. Fee to steward, \$.25. Interviewed Mr. Hornburg, manager N. A. T. & T. Co., and the manager of the N. C. Co., in re cordwood purchases. Secured services of boatmen and hired canoe.

*Daily record of work and expenses, August, 1908.*

[All signed "L. R. Glavis, special agent."]

August 1, 1908, Dawson:  
 Left Dawson at 1 a. m. En route to Eagle in canoe. Secured information in re timber trespasses at different points along the Yukon River.

August 2, 1908 (Sunday), Eagle:  
 Arrived Eagle at 1.30 a. m. To Ely Verreau for services as boatman and hire of boat, \$15.00. Secured proposition of settlement for \$300 for 600 cords of wood cut by John Gay and \$200, being stumpage value of 400 cords of wood cut by Henry Nicholson. Explained the regulations governing applications to cut timber. Secured information in re winter travel through Alaska.

August 3, 1908, Eagle:  
Made arrangements with Jules Marion to allow agents the use of cabins along the Yukon River. Also arranged to purchase a dog team for winter work. Left Eagle at 11.00 a. m., on steamer *Susie*. Fee to steward on steamer *Susie*, \$.25.

August 4, 1908, Circle:  
Arrived Circle 11 p. m. Interviewed postmaster in re timber trespasses. Left Circle at 11.45 p. m. Fee to steward, \$.25.

August 5, 1908, Tanana:  
Arrived at Tanana at 5.30 a. m. Made arrangements with Mr. Milly, Mgr. N. C. Co., to secure settlement for \$1,000.00 in re 2,000 cords involved. Explained to various parties rules and applications to purchase timber. Arranged with officers in charge at Ft. Gibbon for care of dog team next winter.

Left Tanana at 12.30 p. m. Fee to steward, \$.25.

August 6, 1908, Nulato:  
Arrived at Nulato 5 a. m. Explained rules governing applications to cut timber. Fee to steward, \$.25.

August 7, 1908, Nulato:  
Left Nulato at 5 p. m. Fee to steward, \$.25.

August 8, 1908 (Saturday):  
Fee to steward, \$.25.

August 9, 1908 (Sunday), St. Michaels:  
Fee to steward, \$.25. Arrived St. Michaels at 2 p. m.

August 10, 1908 (Monday), St. Michaels:  
Interviewed officials of N. C. Co., in re settlement of cord-wood trespasses. Left St. Michaels at 7 p. m. on steamer *Corwin*.

August 11, 1908, Nome-Ft. Davis:  
Arrived at Nome 11.00 a. m. Lighterage from Str. *Cowin* to beach at Nome, \$.50. Transfer of baggage, beach to hotel, \$.75. Left Nome at 2 p. m. and drove to Ft. Davis; interviewed Major Crepps in re mining claim of N. A. T. & T. Co. on reservation and examined claim and papers of War Department to be adversely reported. Returned to Nome at 6 p. m.

August 12, 1908 (Wednesday), Nome:  
Examined records in recorder's office in re mining claim of N. A. T. & T. Co.; made copy of notice. Took affidavits of C. H. Nerbahr in re mining claim. Worked on above case. Commenced investigation of land office.

August 13, 1908 (Thursday), Nome-Dry Creek:  
Left Nome at 9 a. m. and drove to Dry Creek; interviewed N. P. R. Hatch, former agent of N. A. T. & T. Co., in re their mining claim. Returned to Nome at noon. Took affidavit of J. F. Plein in re above claim. Instructed R. & R. in re new system of keeping records.

August 14, 1908 (Friday), Nome:  
Took affidavits of Homner Bounds and N. P. R. Hatch in re N. A. T. & T. Co.'s mining claim. Made investigation of 3 mining claims to be favorable reported. Instructed R. & R. in re system of keeping records.

868 August 15, 1908 (Saturday), Nome:  
Instructed R. & R. in re new system of keeping records; four interviews in re N. A. T. & T. Co. mining claim. Transfer of baggage, hotel to beach, \$.75. Left Nome at 8 p. m. Lighterage Nome beach to Str. *Northwestern*, \$2.00.

August 16, 1908 (Sunday):  
En route to Seattle. Fee to steward on Str. *Northwestern*, \$.25.

August 17, 1908 (Monday):  
En route to Seattle. Fee to steward, \$.25.

August 18, 1908 (Tuesday):  
En route to Seattle. Fee to steward, \$.25.

August 19, 1908 (Wednesday):  
En route to Seattle. Fee to steward, \$.25.

August 20, 1908 (Thursday):  
En route to Seattle. Fee to steward, \$.25.

August 21, 1908 (Friday):  
En route to Seattle, fee to steward, \$.25.

August 22, 1908 (Saturday):  
En route to Seattle. Fee to steward, \$.25.

August 23, 1908:

Fee to steward, \$.25. Arrived Seattle 4 p. m. Transfer of baggage steamship wharf to Union Depot, \$.50. Checking hand baggage, \$.20. N. P. Railway Co., fare Seattle to Portland, \$.60. N. P. Railway Co., sleeper Seattle to Portland, \$2.00.

August 24, 1908:

Left Seattle 1.30 a. m. Arrived Portland 9.30 a. m. Fee to porter on sleeper \$.25. Transfer of baggage depot to hotel, \$.50. Read correspondence. Dictated 20 letters. Telegraphed G. L. O. in re appointment of clerk. Read and approved special agents' reports. Worked in the evening until 10 p. m.

Tuesday, August 25, 1908, Portland:

Dictated 45 letters. 2 interviews. Worked in the evening until 9.30.

Wednesday, August 26, 1908, Portland:

Read and approved special agents' reports. Dictated 27 letters. Approved 60 proof notices. 3 interviews.

Thursday, August 27, 1908, Portland:

Read and approved special agents' reports. Dictated 30 letters. 4 interviews. Worked in the evening until 10.

Friday, August 28, 1908, Portland:

Dictated 70 letters in reference to cases. 5 interviews.

Saturday, August 29, 1908, Portland, Oreg., & Vancouver, Wash.:

Dictated 20 letters. 5 interviews. Left Portland at 1.20 p. m. Arrived Vancouver 2 p. m. Made arrangements for land office for U. S. land office. Interviewed Mrs. Wintler and 6 others in reference thereto. Arrived Portland 9.30 p. m. Portland Railway Co., fare Vancouver and return, \$.35.

Sunday, August 30, 1908, Portland. (Sunday.)

Monday, August 31, 1908, Portland:

6 interviews. Dictated 35 letters. Approved 50 proof notices. Reading and approving special agents' reports accumulated during my absence.

*Daily record of work and expenses, September, 1908.*

[All signed "L. R. Glavis, special agent."]

Tuesday, September 1, 1908, Portland:

Worked on accounts. Read and approved monthly accounts. Dictated 15 letters. Telegram to Hon. C. J. Bonaparte, Lenox, Mass., \$.50.

Wednesday, September 2, 1908, Portland:

Dictated 40 letters. Four interviews. Worked in the evening until 10.30.

Thursday, September 3, 1908, Portland, Oregon:

Purchased one bottle of stamping ink, \$.25. Dictated 25 letters. Looking over agents' monthly accounts. Read and approved agents' reports. Two interviews.

Friday, September 4, 1908, Portland, Oregon:

Approved 75 proof notices. Dictated 11 letters. Five interviews. Worked in the evening until 10.

Saturday, September 5, 1908, Portland, Oregon:

Read and approved agents' reports. Preparing assignments for agents. Dictated 16 letters. Approved 35 proof notices. Three interviews.

Sunday, September 6, 1908, Portland, Oregon:

Worked half a day attending to routine work in the office.

Monday, September 7, 1908, Portland, Oregon:

869 Dictated 24 letters. Approved 40 proof notices. Approving agents' accounts and reports.

Tuesday, September 8, 1908, Portland, Oregon:

In conference with U. S. Atty. in re pending land fraud cases. Dictated 6 letters. Six interviews. Preparing assignments for agents.

Wednesday, September 9, 1908, Portland, Oregon:

Approved 35 proof notices. Read and approved agents' reports. Dictated 15 letters. Worked in the evening until 9.30.

Thursday, September 10, 1908, Portland, Oregon:

Dictated 11 letters. Three interviews. Read and approved agents' reports. Left at 4 o'clock for Vancouver, Ws. Arrived at Vancouver at 5 o'clock. Interviewed Misses Marie, Ruth, Emma, Kate and Mary Wintler in re their timber applications in LaGrande & Burns District. Returned to Portland at 10.30. Portland Railway Co. fare, Vancouver and return, \$.35. N. P. Railway Co. ticket to Seattle and return, \$11.20. N. P. Railway Co. sleeper to Seattle, \$2.00.

Friday, September 11, 1908, Seattle, Washington:

Fee to porter on sleeper, \$.25. Bus fare depot to hotel, \$.25. Conferred with assistant U. S. attorney in re Wilson Coal Co. case and in re case U. S. vs. Portland Coal & Coke Co. Endeavored to interview P. C. Richardson. Interviewed W. W. Barr in re his knowledge of Alaska coal cases.

Saturday, September 12, 1908, Seattle, Washington:

Interviewed P. C. Richardson and made arrangements with a view of securing confession of one Lauridsen in re Wilson Coal Co. case. Left Seattle at 10.20 p. m. N. P. Railway Co. sleeper, \$2.00.

Sunday, September 13, 1908, Portland, Oregon:

Arrived in Portland at 7 a. m. Fee to porter on sleeper, \$0.25. Worked in office reading correspondence, approving agents' reports, and attending to routine work of the office.

Monday, September 14, 1908, Portland, Oregon:

Dictated 50 letters. 2 interviews. Worked all evening until 2 a. m. September 15 on special case. Ref. had to letter M. F. August 7, and letter "P" 142075 July 31.

Tuesday, September 15, 1908, Portland, Oregon:

Worked all day on special case. Ref. had to letter M. F. of August 7, and letter "P" 142075 of July 31.

Wednesday, September 16, 1908, Portland, Oregon:

Wrote 3 letters. Conferred with U. S. attorney and T. B. Neuhausen in reference to transfer of records. In conference with assistant U. S. attorney.

Thursday, September 17, 1908, Portland, Oregon:

Dictated 14 letters. 3 interviews. Read and approved agents' reports. Worked in the evening until 9.30. Helena will be my P. O. address on Sept. 28.

Friday, September 18, 1908, Portland, Oregon:

Conferred with U. S. attorney in reference to conducting land fraud cases and other matters. Dictated 35 letters. 4 interviews. Attending to routine work of the office. Helena will be my P. O. address on the 28th.

Saturday, September 19, 1908, Portland, Oregon:

Dictated 34 letters. 1 portrait attachment for kodak. Prepared list of cases to be clear listed. 4 interviews.

Sunday, September 20, 1908, Portland, Oregon:

Worked from 10 to 2 p. m. attending to routine work of the office.

Monday, September 21, 1908, Portland, Oregon:

Preparing lists of papers to be returned to G.L.O. Registering 23 packages to Washington, D. C., \$1.84. Paid for township plats, \$0.95. Transfer of papers from office to post-office, \$0.25. Dictated 17 letters. 5 interviews.

Tuesday, September 22, 1908, Portland, Oregon:

Dictated 24 letters. 4 interviews. In conference with U. S. atty. in re pending land fraud cases. Left Portland at 3.10. Arrived Vancouver 4 p. m. Made additional investigation concerning change of land office. Set S. Lauridsen's coal case for hearing December 2, 08. Portland Railway Co., fare Vancouver and return, \$0.35. Returned to Portland 6.20 p. m.

Wednesday, September 23, 1908, Portland, Oregon:

Dictated 11 letters. 2 interviews. Preparing lists of papers and records to be transferred by T. B. Neuhausen. In conference with U. S. atty. in re pending trials.

Thursday, September 24, 1908, Portland, Oregon:

Dictated 6 letters. 3 interviews. In conference with U. S. atty. in re pending land fraud cases. Preparing and checking lists of papers and records to be transferred by T. B. Neuhausen.

870 Friday, September 25, 1908, Portland, Oregon:

Approved 200 proof notices. Dictated 7 letters. 2 interviews. Conference with U. S. atty. in re his requests that additional agents be furnished this division. Left Portland 11.45 p. m. en route Helena, Montana. (Expenses of trip under Department of Justice.)

Saturday, September 26, 1908, en route to Helena:

En route to Helena, Montana, to testify in the case of U. S. vs. John Lucas. (Expenses charged to Department of Justice.)

Sunday, September 27, 1908, Helena, Montana, and en route:

Arrived at Helena, Mont., at 3.40 p. m. (Expenses charged to Department of Justice.)

Monday, September 28, 1908, Helena, Montana:

Attended and assisted in taking testimony in the case of U. S. vs. John Lucas. (Expenses charged to the Department of Justice.)

Tuesday, September 29, 1908, Helena, Montana:

Testified in the case of U. S. vs. John Lucas. In conference with Chief of Field Service H. H. Schwartz in re conditions in first field division and necessity additional agents. Left Helena at 4.20. (Expenses under Department of Justice.)

Wednesday, September 30, 1908, en route to Portland:

En route to Portland, Oregon. (Expenses under Department of Justice.)



*Daily record of work and expenses, October, 1908.*

[All signed "L. R. Glavis, special agent."]

Thursday, October 1, 1908, Portland, Oregon:

Arrived in Portland 7 a. m. Dictated 20 letters. In conference with U. S. atty. relative to land fraud trials. Attended to agent's monthly accounts. Secured a deed reconveying H. E. of Anna E. Roenicke. Worked in the evening on new system for keeping records in surveyor-general's office.

Friday, October 2, 1908, Portland, Oregon:

Dictated 19 letters. 6 interviews. In conference with Special Inspector Holcomb. Attending to routine work of the office. Telegram to Governor of Alaska, W. B. Hoggatt, Juneau, Alaska, 21 words, \$.21.

Saturday, October 3, 1908, Portland, Oregon:

Dictated 20 letters. 5 interviews. In U. S. atty's office all afternoon working on records in Pacific Lumber and Furniture Co. case.

Sunday, October 4, 1908, Portland, Oregon:

Worked in office all morning attending to routine work of the office.

Monday, October 5, 1908, Portland, Oregon:

Dictated 18 letters. 4 interviews. Prepared Alaska assignment for Agt. Stoner. Worked in the evening segregating papers in the different land fraud cases. Gave Agent Stoner instructions in re Alaska work.

Tuesday, October 6, 1908, Portland, Oregon:

Telegram to U. S. atty. New York City, in re Cooke case, 36 words, \$.72. Paid J. Barby for 2 Yale locks \$.75. Dictated 10 letters. 4 interviews. Street-car fare, custom-house to post-office, Portland, \$.20. Developing and printing of kodak films, \$.99.

Wednesday, October 7, 1908, Portland, Oregon:

Dictated 14 letters. In conference with U. S. atty. in re land fraud cases. 5 interviews. Street car fare custom-house to post-office, \$.10.

Thursday, October 8, 1898, Portland, Oregon:

Dictated 10 letters. 4 interviews. In conference with U. S. atty. and special assistant to Atty. General, Judge Becker, in re land fraud cases. Instructing new agent, Hartson, in re duties.

Friday, October 9, 1908, Portland, Oregon:

Dictated 4 letters. Paid for telegram to Leroy Moore, chief field division, Santa Fe, New Mexico, 18 words, \$.30. Street car fare, custom-house to post-office, \$.10. Working on special investigations.

Saturday, October 10, 1908, Portland, Oregon:

Paid telephone message from Portland to Agent Hartson at Albany, Ore., \$.75. Transfer of papers from post-office to custom-house, Portland, \$.50. Working on special investigations. Endorsed 90 proof notices. 2 special delivery stamps, \$.20.

Sunday, October 11, 1908, Portland, Oregon:

Working on special investigations until 10.30 p. m.

Monday, October 12, 1908, Portland, Oregon:

Dictated 9 letters. Transfer of typewriters custom-house to post-office, Portland, \$.50. Telegram from L. H. Arneson, receiver, U. S. land office, The Dalles, 871 \$.50. Street-car fare custom-house to post-office, \$.20. Two conferences with Mr. R. A. Ballinger. Worked in the evening until 10.30 on special investigations. Telegram to U. S. atty. New York City, 17 words, \$.40.

Tuesday, October 13, 1908, Portland, Oregon:

Dictated 14 letters. Preparing exhibits and assisting in case of U. S. *vs.* Pacific Furniture & Lumber Co. Worked in the evening until 10 p. m.

Wednesday, October 14, 1908, Portland, Oregon:

Dictated 10 letters. Preparing exhibits and assisting in case of U. S. *vs.* Pacific Furniture & Lumber Co. Worked in the evening until 10.30.

Thursday, October 15, 1908, Portland, Ore.:

Dictated 7 letters. 4 interviews. Assisting in case of U. S. *vs.* Pacific Furniture & Lumber Co. Worked in the evening until 10.30.

Friday, October 16, 1908, Portland, Oregon:

Dictated 6 letters. 4 interviews. Assisting in case of U. S. *vs.* Pacific Furn. & Lumber Co. Worked in the evening until 10 p. m.

Saturday, October 17, 1908, Portland, Oregon:

Spent morning assisting in case of U. S. *vs.* Pac. Furn. and Lumber Co. Dictated 30 letters. 3 interviews.

Sunday, October 18, 1908, Portland, Oregon:

At office reading mail and attending to routine work.

Monday, October 19, 1908, Portland, Oregon:

Assisting in case of U. S. *vs.* Pac. Furn. & Lumber Co. Endorsed 50 proof notices. Worked in the evening until 10.30 preparing agents assignments. Street-car fare, custom-house to post-office, Portland, \$0.10.

Tuesday, October 20, 1908, Portland, Oregon:

Assisting in case of U. S. *vs.* Pac. Furn. & Lumber Co. Dictated 12 letters. 3 interviews. Worked in the evening until 10 p. m. reading agents' reports and preparing assignments.

Wednesday, October 21, 1908, Portland, Oregon:

Dictated 15 letters. 5 interviews. Assisting in case of U. S. *vs.* Pac. Furn. & Lumber Co. Street-car fare custom-house to post-office, Portland, \$.10.

Thursday, October 22, 1908, Portland, Oregon:

Assisting in case of U. S. *vs.* Pac. Furn. & Lumber Co. 3 interviews. Read and approved agents' reports.

Friday, October 23, 1908, Portland, Oregon:

Dictated 8 letters. 3 interviews. Assisting in case of U. S. *vs.* Pac. Furn. & Lumber Co. Street-car fare, custom-house to post-office, Portland, \$0.10. Worked in the evening until 10.30.

Saturday, October 24, 1908, Portland, Oregon:

Assisting in case of U. S. *vs.* Pacific Furn. & Lumber Co. in the morning. 5 interviews. Dictated 20 letters.

Sunday, October 25, 1908, Portland, Oregon:

Dictated 5 letters. Reading papers and exhibits in case of U. S. *vs.* Pac. Furn. & Lumber Co. Attending to routine work of the office.

Monday, October 26, 1908, Portland, Oregon:

Dictated 18 letters. 3 interviews. Assisting in case of U. S. *vs.* Pacific Furn. & Lumber Co. Worked in the evening until 9.30.

Tuesday, October 27, 1908, Portland, Oregon:

2 conferences with Senator Bourne, in re Siletz and other matters. Dictated 14 letters. 4 interviews. Prepared agents' assignments. Worked in the evening until 9.30.

Wednesday, October 28, 1908, Portland, Oregon:

Dictated 25 letters. 4 interviews. In conference with U. S. atty. and preparing evidence in pending land fraud cases. Street-car fare, custom-house to post-office, Portland, \$0.10. Worked in the evening until 10 p. m.

Thursday, October 29, 1908, Portland, Oregon:

Dictated 10 letters. 5 interviews. Attending to routine work of the office.

Friday, October 30, 1908, Portland, Oregon:

Dictated 6 letters. 4 interviews. Developing and printing kodak pictures, \$0.95. Working on evidence in pending land-fraud cases. Worked in the evening until 10 p. m.

Saturday, October 31, 1908, Portland, Oregon:

Dictated 20 letters. Made nine unfavorable reports to G. L. O. recommending suits to cancel patents. 6 interviews. Attending to routine work of the office.

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*Daily record of work and expenses, November, 1908.*

[All signed "L. R. Glavis, special agent."]

Sunday, November 1, 1908, Portland, Oregon:

Attending to routine work of the office.

Monday, November 2, 1908, Portland, Oregon:

Dictated 25 letters. 4 interviews. Made report to G. L. O. in re surveyor-general's office. In conference with U. S. atty. and assisting in preparing evidence in land fraud cases to be taken before grand jury. Worked in the evening until 10 p. m.

Tuesday, November 3, 1908, Portland, Oregon:

Dictated 18 letters. 4 interviews. Approving agents' monthly accounts.

Wednesday, November 4, 1908, Portland, Oregon:

Dictated 10 letters. 5 interviews. In conference with U. S. attorney.

Thursday, November 5, 1908, Portland, Oregon:

Dictated 14 letters. In conference with U. S. attorney. Endorsed 200 proof notices. Worked in the evening until 10 p. m.

Friday, November 6, 1908, Portland, Oregon:

Made two formal reports to GLO in re trespasses in Alaska. Dictated 10 letters. 4 interviews. Instructing agents in re conspiracy cases.

Saturday, November 7, 1908, Portland, Oregon:

Dictated 20 letters. 3 interviews. In conference with U. S. attorney.

Sunday, November 8, 1908, Portland, Oregon:  
In U. S. atty's office preparing evidence in pending land fraud cases. Reading mail and attending to routine work of the office.

Monday, November 9, 1908, Portland, Oregon:  
Dictated 24 letters. 5 interviews. Reading and approving agents' reports.

Tuesday, November 10, 1908, Portland, Oregon:  
Dictated 10 letters. 4 interviews. Attending to routine work of the office.

Wednesday, November 11, 1908, Portland, Oregon:  
Dictated 14 letters. 5 interviews. In conference with U. S. atty. in re pending land fraud cases. Paid for developing kodak films, \$0.30.

Thursday, November 12, 1908, Portland, Oregon:  
Dictated 6 letters. 3 interviews. In conference with H. H. Schwartz, chief of field service.

Friday, November 13, 1908, Portland, Oregon:  
Dictated 10 letters. 4 interviews. In conference with H. H. Schwartz, chief of field service.

Saturday, November 14, 1908, Portland, Oregon:  
Dictated 14 letters. 4 interviews. In conference with H. H. Schwartz, chief of field service.

Sunday, November 15, 1908, Portland, Oregon:  
Attending to routine work of the office. In conference with H. H. Schwartz, chief of field service.

Monday, November 16, 1908, Portland, Oregon:  
Dictated 25 letters. 3 interviews. Endorsed 35 proof notices. In conference with H. H. Schwartz, chief of field service.

Tuesday, November 17, 1908, Portland, Oregon:  
Dictated 20 letters. Reading and approving agents' reports. Preparing agents' assignments. 4 interviews. In conference with U. S. atty.

Wednesday, November 18, 1908, Portland, Oregon:  
No official duty performed. Paid for telegram from Edward Doyle, Spokane to Portland, 22 words, \$.22.

Thursday, November 19, 1908, Portland, Oregon:  
No official duty performed.

Friday, November 20, 1908, Portland, Oregon:  
No official duty performed. Paid for telegram to O. W. Lange, Chief Field Division, San Francisco, 20 words, \$.20.

Saturday, November 21, 1908, Portland, Oregon:  
Dictated 40 letters. Endorsed 200 proof notices. 4 interviews. In consultation with U. S. atty.

Sunday, November 22, 1908, Portland, Oregon:  
Reading mail and agents' reports. Dictated 18 letters.

Monday, November 23, 1908, Portland, Oregon:  
Dictated 10 letters. 5 interviews. In conference with U. S. atty. Paid telegram to S. J. Colter, Duluth, Minn., 35 words, \$.60. Paid telegram to O. W. Lange, San Francisco, Calif., 28 words, \$.28. N. P. Railway Co. fare Portland to Seattle and return, \$11.20. N. P. Railway Co. sleeper, Portland to Seattle, \$2.00. Left Portland 11.45 p. m.

873 Tuesday, November 24, 1908, Seattle, Washington:  
Arrived Seattle 8 a. m. Fee to porter on sleeper, \$.25. Bus fare depot to hotel, \$.25. Secured certified check for \$854 in re settlement of timber trespass in Alaska. In conference with Judge Ballinger relative to the Alaska coal cases. Endeavored to locate George M. Irwin in re soldiers' additional application for land near Juneau, Alaska. Left Seattle at 1.15; N. P. Railway Co. parlor car fare, \$1.00. Fee to porter on parlor car, \$.25. Arrived in Portland 8.35 p. m.

Wednesday, November 25, 1908, Portland, Oregon:  
Dictated 11 letters. Paid telegram to Andrew Kennedy, Jacksonville, Ore., 16 words, \$.45. In conference with U. S. atty. and attending case of U. S. *vs.* J. H. Parker.

Thursday, November 26, 1908, Portland, Oregon:  
Assisting agents in making reports. Attending to routine work of the office.

Friday, November 27, 1908, Portland, Oregon:  
Dictated 24 letters. 5 interviews. Paid A. B. Combs, jr., county clerk, Baker County, for certified copies of A. Wunder mining claim for use in case of U. S. *vs.* J. H. Parker, 9 copies at 60 cents each, \$5.40. In conference with U. S. attorney in re Parker case.

Saturday, November 28, 1908, Portland, Oregon:  
Dictated 18 letters. 6 interviews. Preparing assignment of cases in Alaska. Attending to routine work of the office.

Sunday, November 29, 1908, Portland, Oregon:  
 Reading and approving agents' reports. Arranging monthly accounts.  
 Monday, November 30, 1908, Portland, Oregon:  
 Dictated 22 letters. 5 interviews. Approving agents' accounts.

*Daily record of work and expenses, December, 1908.*

[All signed "L. R. Glavis, special agent."]

Tuesday, December 1, 1908, Portland, Oregon:  
 Paid telephone message from Portland to Spl. Agt. York, Klamath Falls, \$0.85.  
 Dictated 10 letters. 3 interviews. In conference with U. S. atty. Made report on timber tres. of Northern Com. Co., with propositions of settlement amounting to \$1,563.50. Made report to H. H. Schwartz, Chief of Field Service, of cases pending in this division.

Wednesday, December 2, 1908, Portland, Oregon:  
 Dictated 18 letters. 4 interviews. In conference with U. S. atty. in re pending cases.

Thursday, December 3, 1908, Portland, Oregon:  
 Made report on Alaska American Fisheries timber tres. in Alaska, with proposition of settlement for \$495.50. Made report to G. L. O. in re trial of U. S. vs. J. H. Parker. Made report to G. L. O. in re La Grande land office. Dictated 8 letters. Worked in the evening until 10 p. m.

Friday, December 4, 1908, Portland, Oregon:  
 Dictated 20 letters. 4 interviews. In conference with U. S. atty. in re pending cases. Preparing assignment for agents. Reading and approving agents' reports.

Saturday, December 5, 1908, Portland, Oregon:  
 Dictated 15 letters. 5 interviews. Reading and approving agents' reports.

Sunday, December 6, 1908 (Sunday), Portland, Oregon.

Monday, December 7, 1908, Portland, Oregon:

No official duty performed.

Tuesday, December 8, 1908, Portland, Oregon:

No official duty performed.

Wednesday, December 9, 1908, Portland, Oregon:

Dictated 24 letters. 5 interviews. In conference with U. S. atty. in re pending cases. Made three reports to G. L. O. in re H. E. of Richard Depue, H. E. of Joseph Gillis, and H. E. of Wm. Tighmeier.

Thursday, December 10, 1908, Portland, Oregon:

Dictated 10 letters. 3 interviews. Preparing assignments of hearings for agents. Working on accounts.

Friday, December 11, 1908, Portland, Oregon:

Dictated 8 letters. 5 interviews. Attending to routine work of the office.

Saturday, December 12, 1908, Portland, Oregon:

Dictated 18 letters. 3 interviews. In conference with U. S. atty. in re pending cases. Reading and approving agents' reports.

Sunday, December 13, 1908, Portland, Oregon:

Reading mail and attending to routine work of the office.

874 Monday, December 14, 1908, Portland, Oregon:

Dictated 16 letters. Reading agents' reports. Arranging work for agents during absence. Issued T. R. No. 3906 to O. R. & N. Co. fare Portland to La Grande, (\$9.10). Issued T. R. No. 3907 O. R. & N. Ry. Co. fare La Grande, Ore., to Washington, D. C. (\$64.20).

Tuesday, December 15, 1908, Portland, Oregon:

Dictated 12 letters. 4 interviews. Arranging work preparatory to leaving for Washington, D. C. Transfer of baggage from hotel to depot, \$.50. Paid O. R. & N. Ry. Co. Pullman sleeper from Portland to La Grande, \$2.00. Left Portland 6 p. m.

Wednesday, December 16, 1908, La Grande, Oregon:

Arrived La Grande at 7 a. m. Fee to porter on sleeper, \$.25. Interviewed register & receiver and investigated shortages in receiver's accounts. Wired G. L. O. to suspend receiver. Left La Grande at 7.15 p. m. O. R. & N. Co. sleeper to Chicago, \$11.50.

Thursday, December 17, 1908, en route to Chicago:

Fee to porter on sleeper, \$.25.

Friday, December 18, 1908, en route to Chicago:

Fee to porter on sleeper, \$.25.

Saturday, December 19, 1908, Chicago, Illinois:

Arrived Chicago at 1 p. m. Fee to porter on sleeper, \$.25.

December 20, 1908 (Sunday), Chicago, Illinois:

Wired to Clerk Patten to transmit certain papers. Telegraph charges, \$.35.

Monday, December 21, 1908, Chicago, Illinois:

Left Chicago at 5.30 p. m. Penn. sleeper to Washington, \$4.50; Penn. extra, fare to Washington, 2.50; Hack hire, hotel to depot, \$.50.

Tuesday, December 22, 1908, Washington, D. C.:

Arrived Washington at 5.15 p. m. Fee to porter on sleeper, \$.25. Hack hire, depot to 1916 Biltmore street, \$1.40. Transfer baggage, depot to house, \$.50. Storage baggage in Union Depot, \$.30.

Wednesday, December 23, 1908, Washington, D. C.:

In conference with commissioner and Chief of Field Service in re matters pending in division No. 1.

Thursday, December 24, 1908, Washington, D. C.:

Conferred with various divisions in re accounts and pending cases.

Friday, December 25, 1908, Washington, D. C.:

Legal holiday.

Saturday, December 26, 1908, Washington, D. C.:

Examining record of B. D. L. E's in which Furnish is interested.

Sunday, December 27, 1908, Washington, D. C.:

No work performed.

Monday, December 28, 1908, Washington, D. C.:

In conference with commissioner and Mr. Schwartz in re Alaska situation and other matters. Called on Mr. Richards of Department of Justice.

Tuesday, December 29, 1908, Washington, D. C.:

Explained my system of keeping records in surveyor-general's offices. Also examined papers in re Idaho investigation.

Wednesday, Dec. 30, 1908, Washington, D. C.:

Received final instructions in re Idaho investigations and conferred with commissioner in re Oregon matters. Transfer baggage, house Washington, D. C., to Imperial Hotel, New York, \$1.00. Penn. fare Washington, D. C., to New York City, \$5.65. Penn. fare sleeper to New York, \$2.00.

Thursday, Dec. 31, 1908, Washington, D. C.-New York City:

Left Washington at 12.30 a. m. Arrived New York 8 a. m. Fee to porter on sleeper \$.25. Hack hire 23rd st. ferry to hotel, \$.50. Wired Clerk Patten in re accounts, telegraph message, \$.40. Located several of the persons to be interviewed and investigated their financial standing.

*Daily record of work and expenses, January, 1909.*

[All signed "L. R. Glavis, special agent."]

Friday, January 1, 1909, New York City:

Legal holiday.

Saturday, January 2, 1909, New York City:

Four street-car fares, \$.20.

Sunday, January 3, 1909, New York City:

Sunday.

875 Monday, January 4, 1909, New York City:

In conference with U. S. Attorney's office. 2 street-car fares, \$.10. Issued T. R. No. 3909 for Pullman sleeper to Chicago (5.00). T. R. No. 3908 Ry. fare New York City to St. Paul (28.00). Extra fare on 20th Century Limited, \$10.00.

Tuesday, January 5, 1909, New York City:

Questioned defendant with U. S. attorney. Transfer of baggage, hotel to depot, \$0.50. 5 street car fares, \$.25. Left New York at 3.30 p. m.

Wednesday, January 6, 1909, Chicago, Illinois:

Arrived Chicago 9 a. m. Fee to porter \$.25. Endeavored to locate present whereabouts of former private secry. to ex-Senator Mitchell. C. M. & St. P. Ry. sleeper to St. Paul, Minn., \$2.00. Left Chicago at 7 p. m. Checked hand baggage at depot, \$.15.

Thursday, January 7, 1909, Minneapolis, St. Paul, Minnesota:

Fee to porter \$.25. Arrived St. Paul at 9 a. m. Prepared checks for agents Dec. accounts which I examined and returned to Portland. Left for Minneapolis at noon. Returned to St. Paul in evening. Chicago Great Western fare St. Paul to Minneapolis, \$.21. Street-car fare Minneapolis to St. Paul, \$.10. Secured information in the evening in re cases.

Friday, January 8th, 1909, St. Paul, Minnesota:

Examined records in secry. of state's office; called on asst. U. S. atty. Issued T. R. 3910 to Denver, Colo., for 2 fares (\$39.20). N. W. Line, sleeper to Omaha, \$2.00. Left St. Paul at 8.35 p. m.

Saturday, January 9, 1909, Omaha & en route to Denver:

Arrived Omaha at 8 a. m. Checking of hand baggage at depot Omaha, \$.10. Left Omaha at 1.20 p. m. Rock Island sleeper, Omaha to Denver, \$.35.00.

Sunday, January 10, 1919, Denver, Colorado:

Arrived Denver 9.30 a. m. Fee to porter on sleeper, \$.25. Hack hire, depot to hotel, \$.25. Transfer baggage, depot to hotel, Denver, \$.50. Located persons to be interviewed Monday. Baggage charges at station, \$.60.

Monday, January 11, 1909, Denver, Colorado:

Interviewed S. C. Hinsdale, U. S. Commissioner, in re fees in hearings. Called on Mr. McNery. Issued T. R. 3911 U. P. Ry. to Salt Lake for 2 tickets (\$35.50). U. P. Ry. sleeper to Salt Lake City, \$.40. Transfer baggage, hotel to depot, \$.50. Left Denver at 7.50 p. m.

Tuesday, January 12, 1909, Salt Lake City, Utah:

Fee to porter on sleeper, \$.25. Arrived Salt Lake City 6.15 p. m. Transfer baggage, depot to hotel, \$.25. Bus fare, depot to hotel, \$.25.

Wednesday, Jan. 13, 1909, Salt Lake City:

Secured additional data from Chief Field Div. Hair in re special investigation. Conferred with asst. U. S. atty. in re Hair and agents. Wrote 4 letters. Issued T. R. No. 3912 to Blackfoot, Idaho, for two fares (\$11.80). Transfer baggage, hotel to depot, \$.50. O. S. L. sleeper to Blackfoot, Idaho, \$.20.00. Left Salt Lake City at 10.45 p. m. Hack hire, hotel to depot, \$.50.

Thursday, January 14, 1909, Blackfoot, Idaho.

Arrived Blackfoot at 6.45 p. m. Fee to porter on sleeper, \$.25. Securing information in re special case.

Friday, January 15, 1909, Rexburg, Blackfoot, Idaho:

Left Blackfoot at 8.25 a. m.; arrived Rexburg 10.40 a. m. O. S. L. fare, Blackfoot to Rexburg, \$.19.00. O. S. L. parlor-car fare, Blackfoot to Idaho Falls, \$.25. Bus fare, depot to hotel, Rexburg, \$.25. Left Rexburg at 1.30 p. m. and rode nine miles to Nicholas F. R. Newby's ranch, arriving there at 4.30 p. m. Hire of saddle horse, \$.10.00.

Saturday, January 16, 1909, Newby's ranch & country:

Took aff'd of Marrion Nester, Ezra Liljquist, John Clements, Alex S. Leatham, Charles Seatham, and John R. Barber. Returned to Newby's ranch at 8 p. m. Hire saddle horse, \$.10.00. Service of guide, \$.40.00.

Sunday, Jan. 17, 1909, Newby's ranch, James Byrne:

Left Newby's ranch at 7.30 a. m. Took affidavits of Albert Suthey, Joseph A. Johnson, E. A. Barber, Nicholas F. R. Newby, jr., Albert England, James Byrne, M. L. Byrne, and John Taylor. Reached James Byrne ranch at 6 p. m. Hire saddle horse, \$.10.00. Services of guide, \$.40.00.

Monday, January 18, 1909, Byrne's ranch, Rexburg, Idaho:

Left Byrne's ranch 8 a. m. Took affidavit E. A. Senroot, John A. Pearson, John K. Whitney, P. Tempest, and Hugh J. Adams. Made appointment with A. E. Peterson. Conferred with Martin Garn and Agent Campbell. Worked until 10 p. m. Hire saddle horse, \$.10.00. Services of guide, \$.40.00.

Tuesday, January 19, 1909, Rexburg, Idaho:

Took 2 affidavits of Nicholas F. R. Newby, John S. Ballif, James Gillespie, J. C. Johnson, Daniel Bagley, Olaf S. Anderson, and Olaf E. Peterson. Conferred with C. H. Woodmansee. Worked until 10 p. m.

876 Wednesday, January 20, 1909, Rexburg, Idaho:

Secured affidavits of James Siddoway, J. S. Eames, Jesse M. Baker, and Page P. Siglin; was present all morning while C. H. Woodmansee dictated statement and questioned him.

Thursday, Jan. 21, 1909, Rexburg, Idaho:

Services as guide, \$.40.00. Secured affidavits of N. P. Hansen, John X. Anderson, James M. Cook. Paid for tracing and blueprint, \$.40.00. Left Rexburg 8 p. m. O. S. L. fare, Rexburg to Blackfoot, \$.19.00. Sleeper on tourist car, Rexburg to Blackfoot, \$.10.00.

Friday, Jan. 22, 1909, Blackfoot, Idaho:

Arrived Blackfoot 1 a. m. Fee to porter on sleeper, \$.25. Questioned Agent Campbell in re his investigations in Rexburg bench. Secured data from Land Office records in re case. Secured information from register in re Agt. Brighton's investigation of Woodmansee & Webster entries. Issued T. R. 3913, Blackfoot, Idaho, to Salt Lake. O. S. L., sleeper, Blackfoot to Salt Lake, \$.20.00.

Saturday, Jan. 23, 1909, Salt Lake City:

Left Blackfoot 1 a. m. Arrived in Salt Lake 9 a. m. Fee to porter on sleeper, \$.25. Checked baggage at parcel room, \$.20. Sent telegram to Miss Patten, custom-house, Portland, \$.20. Sent telegram to postmaster, Hailey, Idaho, \$.20. Issued T. R. 3914, Salt Lake to Portland. O. R. N. Ry. sleeper, Salt Lake to Portland, \$.60.00.

Sunday, Jan. 24, 1909:

En route to Portland, Oregon. Fee to porter on sleeper, \$.25.

Monday, Jan'y. 25, 1909, Portland, Oregon:

Arrived in Portland 10.30. Fee to porter on sleeper, \$.25. Transfer of baggage depot to hotel, Portland, \$1.00. Dictated 20 letters. Reading mail accumulated during my absence.

Tuesday, Jan'y. 26, 1909, Portland, Oregon:

Conferred with U. S. att'y. Dictated 26 letters. Reading and approving agents' reports.

Wednesday, January 27, 1909, Portland, Oregon:

Conferred with U. S. att'y. relative to cases to be presented to grand jury. Dictated 48 letters. 5 interviews. Worked in the evening until 9 p. m.

Thursday, Jan'y. 28, 1909, Portland, Oregon:

Dictated 52 letters. 5 interviews. In conference with U. S. att'y. Reading and approving agents' reports.

Friday, Jan'y. 29, 1909, Portland, Oregon:

Worked all day on hearing accounts. Dictated 150 letters transmitting checks for witnesses' fees.

Saturday, January 30, 1909, Portland, Oregon:

Dictated 27 letters. Made 4-478 report Alaska Packers Assoc., with proposition of settlement for \$697.40. Made 4-478 report in re Pac. Coast Norway Co., with proposition of settlement for \$1,767.36. 4 interviews.

Sunday, Jan'y. 31, 1909, Portland, Oregon:-

Sunday. Attending to routine work of the office. Reading and approving agents accounts.

*Daily record of work and expenses, February, 1909.*

[All signed "L. R. Glavis, special agent."]

Monday, February 1, 1909, Portland, Oregon:

Dictated 28 letters. 4 interviews. In conference with U. S. att'y. relative to cases pending before the grand jury. Telegraph message to county clerk, Pendleton, Ore., 19 words, \$.20. 3 registered letters to commissioner, Washington, D. C., \$.24.

Tuesday, February 2, 1909, Portland, Oreg.:

Dictated 40 letters. 5 interviews. Telegraph message from Portland to Spl. Agt. Pollard, Albany, 24 words \$.24.

Wednesday, February 3, 1909, Portland, Oreg.:

Dictated 12 letters. 4 interviews. Approving agents monthly accounts. Issued T. R. No. 3915 O. R. & N. Co., Portland to Marysville, Idaho (\$24.85). O. R. & N. sleeper, Portland to Pocatello, Idaho, \$5.00. Left Portland at 6 p. m.

Thursday, February 4, 1909, en route to Idaho:

Fee to porter on sleeper, \$.25. O. S. L. tourist sleeper, Pocatello to St. Anthony, Ida., \$1.00.

Friday, Febr'y. 5, 1909, Ashton & St. Anthony:

Arrived Ashton 11.30 a. m. Fee to porter on sleeper, \$.25. Conferred with Agt. Kennedy in re investigation. Took affidavits of Wm. Wancke and Nels Byson. Left Ashton at 6.30 p. m. Arrived St. Anthony at 7.15 p. m. O. S. L. fare, Ashton to St. Anthony, \$.60.

877 Saturday, February 6, 1909, St. Anthony & Rexburg:

Interviewed Thos. Elliott, O. P. Soule, Anthony Willsap, and C. C. Moore. Took affidavits of B. H. Miller and C. H. Haws. Left St. Anthony at 7.40 p. m., arrived Rexburg at 8.15 p. m. O. S. L. fare, \$.45. Bus fare, depot to hotel, Rexburg, \$.25.

Sunday, February 7, 1909, Rexburg, en route to Hailey:

Secured affidavits of A. M. Truman, Leonard G. Rowland, D. A. Sanders, and Stephen Hulse. Interviewed C. H. Woodmansee. To Stephen Hulse for making trip from Archer to Rexburg and return, \$5.00. Team hire, \$3.50. Bus fare hotel to depot, Rexburg, \$.25. Tourist sleeper, Rexburg to Pocatello, \$1.00.

Monday, February 8, 1909, Hailey-Pocatello, Idaho:

Arrived Pocatello at 1.30 a. m. Fee to porter on sleeper, \$.25. Left Pocatello 5.30 a. m., arrived Hailey at 12.30 p. m. Pullman sleeper (berth), Pocatello to Shoshone, \$2.00. O. S. L. fare, Bellevue to Hailey, Idaho, \$.20. Interviewed Reg. and Robt. E. Tuston in re Carr's conduct in re D. L. E. Stella Brayner.

Tuesday, February 9, 1909, Hailey, Bellevue, and Shoshone:

Drove to Bellevue at 8 p. m.; investigated whereabouts of Stella Brayner and witnesses. Returned to Hailey 10 a. m. Team hire, \$2.50. Left Hailey at 5.15, arrived Shoshone at 7.45 p. m.

Wednesday, February 10, 1909, en route to Portland:

Left Shoshone 2.30 a. m. O. S. L. sleeper, Shoshone, Idaho, to Portland, Ore., \$4.50. Arrived Portland at 11.30 p. m. Fee to porter on sleeper, \$.25.

Thursday, Febr. 11, 1909, Portland, Oregon:

Dictated 45 letters. 5 interviews. Western Union Telegraph Co., 22 words to Dunning, Salt Lake, \$.22. Western Union Telegraph Co., 17 words to H. V. Campbell, St. Anthony, Ida., \$.20. Made 4-478 report in re Northwestern Fisheries Co. with proposition of settlement for \$234.60.

Friday, February 12, 1909, Portland, Oregon:

Dictated 30 letters. 6 interviews. Reading and approving agents' reports, conferring with Agents Stoner, Doyle, and McGuire in re Alaska situation.

Saturday, February 13, 1909, Portland, Oregon:

Dictated 32 letters. 5 interviews. Made 4-478 report in re timber tres. of Thlinket Packing Co. with proposition of settlement for \$511.98. Reading reports and attending to routine work of the office.

February 14, 1909 (Sunday), Portland, Oregon:

Working and arranging Idaho case to be reported.

Monday, February 15, 1909, Portland, Oregon:

Dictated 28 letters. In conference with U. S. atty. in re pending cases. Attending to general work of the office.

Tuesday, February 16, 1909, Portland, Oregon:

Dictated 36 letters. 5 interviews. Arranging hearing files. Issued T. R. 3916, Portland to Seattle and return, \$11.20. Sleeper, Portland to Seattle, \$2.00. Worked in the evening until train time. Left Portland at 11.45 p. m.

Wednesday, Febr. 17, 1909, Seattle, Washington:

Arrived Seattle 11 a. m. Fee to porter on sleeper, \$0.25. Conferred with Judge B. A. Ballinger in reference to condition of work and Alaska matters. Made partial arrangements relative to hearings in the In re Wilson Coal Co. cases in the Vancouver district. Left Seattle at 10.20. N. P. Railway Co. sleeper, Seattle to Portland, \$2.00.

Thursday, February 18, 1909, Portland, Oregon:

Arrived in Portland 8.30. Fee to porter on sleeper, \$0.25. Dictated 25 letters. Working on cases to be set for hearing.

Friday, February 19, 1909, Portland, Oregon:

Dictated 32 letters. 5 interviews. In conference with U. S. atty. in re cases before grand jury. Telegram to R & R Juneau, Alaska, 22 words, \$0.22. Worked in the evening until 9.30.

Saturday, February 20, 1909, Portland, Oregon:

Dictated 15 letters. 4 interviews. Reading and approving agents' reports.

February 21, 1909 (Sunday), Portland, Oregon:

Worked all day setting cases for hearing.

Monday, February 22, 1909, Portland, Oregon:

Dictated 20 letters. In conference with Special Agents Doyle, McGuire, and Stoner in reference to Alaska cases.

Tuesday, February 23, 1909, Portland, Oregon:

Dictated 36 letters. 6 interviews. In conference with U. S. atty. in re grand jury cases. Conferring with Agents Kennedy and Sunderlin in re Idaho cases.

Wednesday, February 24, 1909, Portland, Oregon:

Dictated 24 letters. Working on Idaho cases. Attending to routine work of the office.

878 Thursday, February 25, 1909, Portland, Oregon:

Dictated 16 letters. 4 interviews. Working on Idaho case. Reading and approving agents' reports.

Friday, February 26, 1909, Portland, Oregon:

Dictated 30 letters. Preparing agents' assignment of cases to be investigated in Alaska. Worked in the evening until 10 p. m.

Saturday February 27, 1909, Portland, Oregon:

Dictated 28 letters. Telegram to R. & R., Fairbanks, Alaska, 20 words, .20. Preparing agents' assignments. Made report to G. L. O. in re Special Agent Carr, in Idaho. Telegram to R. & R., La Grande, 23 words, \$.23.

Sunday, February 28, 1909, Portland, Oregon:

Reading mail and attending to general work in the office.

*Daily record of work and expenses, March, 1909.*

[All signed "L. R. Glavis, special agent."]

Monday, March 1, 1909, Portland, Oregon:

Dictated 40 letters. 4 interviews. Worked in the evening until 10 p. m. setting hearings.

Tuesday, March 2, 1909, Portland, Oregon:

Dictated 28 letters. In conference with U. S. atty. relative to cases pending before grand jury. Attending to routine work of the office.



Wednesday, March 3, 1909, Portland, Oregon:  
Arranging and preparing agents' field assignments. Dictated 19 letters. 3 interviews. Worked in the evening setting hearings.

Thursday, March 4, 1909, Portland, Oregon:  
Dictated 25 letters. 5 interviews. Preparing field assignments for agents. Endorsed 75 proof notices.

Friday, March 5, 1909, Portland, Oregon:  
Writing and signing checks in payment of vouchers for hearings. Dictated 14 letters. Attending to routine work of office. Worked in the evening until 10 p. m.

Saturday, March 6, 1909, Portland, Oregon:  
Dictated 40 letters in re hearings. 6 interviews. Attending to routine work of the office.

March 7, 1909 (Sunday), Portland, Oregon:

Reading mail and attending to office work.

Monday, March 8, 1909, Portland, Oregon:  
In conference with U. S. atty. relative to grand jury cases. Dictated 30 letters. Worked in the evening until 9.30 preparing cases for hearings.

Tuesday, March 9, 1909, Portland, Oregon:

Dictated 22 letters. 4 interviews.

Wednesday, March 10, 1909, Portland, Oregon:

Dictated 42 letters. Reading agents' reports. Made arrangements to secure temporary stenographer to assist in preparing Alaska reports.

Thursday, March 11, 1909, Portland, Oregon:

Dictated 20 letters. 6 interviews. In conference with U. S. attorney in re pending cases. Preparing agents' assignments.

Friday, March 12, 1909, Portland, Oregon:

Dictated 18 letters. Arranging and setting cases for hearing. Approved 75 proof notices.

Saturday, March 13, 1909, Portland, Oregon:

Dictated 17 letters. 5 interviews. Received official telegram to arrange transfer of division and begin to arrange office affairs accordingly.

Sunday, March 14, 1909, Portland, Oregon:

Worked all day reading mail and attending to routine work of office.

Monday, March 15, 1909, Portland, Oregon:

Dictated 14 letters. Preparing lists of pending and closed cases to be turned over to new Chief of Division. Worked in the evening until 10 p. m.

Tuesday, March 16, 1909, Portland, Oregon:

Dictated 35 letters. Telegram to H. P. Kennedy, Seattle, Wash., 19 words, \$.20. Telegram to E. W. Dixon, Spokane, Wash., 22 words, .22. Preparing lists of cases to be turned over to new Chief of Division.

Wednesday, March 17, 1909, Portland, Oregon:

Dictated 14 letters. 4 interviews. Telegram to H. K. Love, Fairbanks, Alaska, 17 words, \$.20. Worked in the evening until 9 p. m.

879 Thursday, March 18, 1909, Portland, Oregon:

Dictated 19 letters. Telegram from Clerk to Chief 3rd Field Division, Spokane, Washington, to Portland, 20 words, \$0.25. Made 4-478 report in re W. F. Mills Co., with proposition of settlement for \$404.00. Worked in the evening on Alaska coal cases.

Friday, March 19, 1909, Portland, Oregon:

Dictated 15 letters. 4 interviews. Gave deposition in case of Galbraith vs. Canedy, timber trespass in Whatcom County, Washington.

Saturday, March 20, 1909, Portland, Oregon:

Dictated 19 letters. 5 interviews. In conference with U. S. atty. Preparing receipts for transfer to new Chief of Field Division. Worked in the evening until 10 p. m.

Sunday, March 21, 1909, Portland, Oregon:

Made unfavorable report in Chezum group Alaska coal cases, including 11 coal declaratory statements. Made unfavorable report in Christopher group Alaska coal cases, including 35 coal declaratory statements. Dictated 16 letters. Northern Pacific Railway Co. sleeper, Portland to Seattle, \$2.00. Left Portland at 11 p. m.

Monday, March 22, 1909, Portland, Oregon:

Arrived Seattle 8 a. m. Fee to porter on sleeper, \$.25. Made inquiry relative to offices in Federal Building. Looked for offices in other buildings. Secured three separate bids on office furniture. Wired G. L. O. in re office furniture. Northern Pacific Railway Co. sleeper, Seattle to Portland, \$2.00. Issued T. R. 3918 N. P. R. R. Co. fare, Seattle to Portland and return (\$11.20). Left Seattle at 10.20 p. m.

Tuesday, March 23, 1909, Portland, Oregon:

Arrived Portland 8 a. m. Fee to porter on sleeper, \$.25. Made unfavorable report on Cunningham group, Alaska coal cases, including 34 coal declaratory statements. Made unfavorable report on Doughten group Alaska coal cases, including 39 coal declaratory statements. Dictated 16 letters. Worked in the evening until 9.30.

Wednesday, March 24, 1909, Portland, Oregon:

Made unfavorable report on Willoughby group Alaska coal cases, including 26 coal declaratory statements. Made unfavorable report on Young group Alaska coal cases, including 17 coal declaratory statements. Made unfavorable report on Stacey group Alaska coal cases, including 59 coal declaratory statements. Made unfavorable report on Simmonds group Alaska coal cases, including 32 coal declaratory statements. Made unfavorable report on Rathbone group Alaska coal cases, including 5 coal declaratory statements. Made unfavorable report on Feed group Alaska coal cases, including 8 coal declaratory statements. Dictated 6 letters. Arranging papers in Binger Hermann case.

Thursday, March 25, 1909, Portland, Oregon:

Made unfavorable report on Dickerson group Alaska coal cases, including 5 coal declaratory statements. Made unfavorable report on Runnells group Alaska coal cases, including 3 coal declaratory statements. Made unfavorable report on White group Alaska coal cases, including 3 coal declaratory statements. Made unfavorable report on Wardell group Alaska coal cases, including 4 coal declaratory statements. Made unfavorable report on Hardrader group Alaska coal cases, including 4 coal declaratory statements. Made unfavorable report on Letcher group Alaska coal cases, including 4 coal declaratory statements. Made unfavorable report on Watson group Alaska coal cases, including 64 coal declaratory statements. Made unfavorable report on Foster group Alaska coal cases, including 30 coal declaratory statements. Made unfavorable report on Green group Alaska coal cases, including 37 coal declaratory statements. Made unfavorable report on Hartline group Alaska coal cases, including 16 coal declaratory statements. At U. S. atty's office working on Binger Hermann case.

Friday, March 26, 1909, Portland, Oregon:

Made unfavorable report on Dunn group Alaska coal cases, including 40 coal declaratory statements. Made 42 separate reports (unfavorable) on Alaska coal declaratory statements. Dictated 7 letters. In conference with U. S. atty. Arranging papers and working on Binger Hermann case. Worked in the evening until 9.30.

Saturday, March 27, 1909, Portland, Oregon:

Paid for box to pack files in, \$.35. Paid telegram to David Adams, Seattle, 24 words, 24 cts., messenger to deliver same, 50 cts., .74. Dictated 5 letters. Explaining records and cases to Chief A. Christensen. Working on Binger Hermann case.

Sunday, March 28, 1909, Portland, Oregon:

Working on Binger Hermann case.

Monday, March 29, 1909, Portland, Oregon:

Working on Binger Hermann case.

880 Tuesday, March 30, 1909, Portland, Oregon:

Made report to U. S. atty. on Binger Hermann case. Wrote letter to Mr. Francis J. Heney relative thereto. Left Portland at 11.55. Transfer of baggage, hotel to depot, \$.75. N. P. Railway sleeper, Portland to Seattle, 2.00.

Wednesday, March 31, 1909, Seattle, Washington:

Arrived in Seattle 7 a. m. Fee to porter on sleeper, \$.25. Transfer of baggage, depot to hotel, .75. Making arrangements to secure offices.

*Daily record of work and expenses, April, 1909.*

[All signed "L. R. Glavis, special agent." ]

Thursday, April 1, 1909, Seattle, Washington:

Making arrangements to secure offices in Federal Building. Looking for furniture for office.

Friday, April 2, 1909, Seattle, Washington:

Making arrangements to secure offices in Federal Building. Looking for furniture for offices.

Saturday, April 3, 1909, Seattle, Washington:

Making arrangements to secure offices in Federal Building. Looking for furniture for office.

Sunday, April 4, 1909, Seattle, Washington:

Sunday.

Monday, April 5, 1909, Seattle, Washington:  
 Making arrangements to secure offices and purchasing furniture for office.

Tuesday, April 6, 1909, Seattle, Washington:  
 Making arrangements to secure offices and purchasing furniture for office.

Wednesday, April 7, 1909, Seattle, Washington:  
 Working on records turned over by Dixon.

Thursday, April 8, 1909, Seattle, Washington:  
 Working on records turned over by Dixon.

Friday, April 9, 1909, Seattle, Washington:  
 Arranging records turned over by Dixon.

Saturday, April 10, 1909, Seattle, Washington:  
 Worked all day arranging records turned over by Dixon.

Sunday, April 11, 1909, Seattle, Washington:  
 Worked all day fixing records turned over by Dixon. Telegraphed commissioner in re clerical assistance.

Monday, April 12, 1909, Seattle, Washington:  
 3 interviews. Attending to routine work of the office. Issued T. R. 3919 Seattle to Portland and return (\$11.20). Left Seattle 10.20 p. m. N. P. Railway sleeper, Seattle to Portland, \$2.00.

Tuesday, April 13, 1909, Portland, Oregon:  
 Arrived in Portland 7 a. m. Fee to porter on sleeper, \$.25. Consulted U. S. atty. in re old land fraud cases. Made arrangement with attorneys for claimants in Vancouver district to submit 4 hearings upon statement of facts.

Wednesday, April 14, 1909, Portland, Oregon:  
 Left Portland 8.20; arrived Vancouver 9.30. Conferred with local officers relative to cases waiting hearing. Returned to Portland at noon. Portland Electric Railway Co. fare, Vancouver and return, \$.35. Conferred with attorneys for entrymen in Tp. 7 N., Rg. 3 E., and decided upon stipulation of facts. Left Portland at 11.45 p. m. N. P. Railway Co. sleeper, Portland to Seattle, \$2.00.

Thursday, April 15, 1909, Seattle, Washington:  
 Arrived in Seattle at 7 a. m. Fee to porter on sleeper, \$.25. Attending to routine work of office.

Friday, April 16, 1909, Seattle, Washington:  
 Attending to routine work of the office.

Saturday, April 17, 1909, Seattle, Washington:  
 Made two favorable reports relative to H. E. of Charles Reinheimer and M. S. Langlon. Attending to routine work of the office.

Sunday, April 18, 1909, Seattle, Washington:  
 Sunday.

Monday, April 19, 1909, Seattle, Washington:  
 Attending to routine work of the office.

Tuesday, April 20, 1909, Seattle, Washington:  
 Attending to routine work of the office. Working on Alaska coal cases in the evening until 11 p. m.

881 Wednesday, April 21, 1909, Seattle, Washington:  
 Preparing Alaska coal cases for investigation. Worked in the evening until 11 p. m., assisted by Special Agent Stoner.

Thursday, April 22, 1909, Seattle, Washington:  
 Working on Alaska coal cases. Worked in the evening until 11.30.

Friday, April 23, 1909, Seattle, Washington:  
 Working on Alaska coal cases. Left Seattle at 10.20 p. m. Transfer of baggage, hotel to depot, \$.50.

Saturday, April 24, 1909, Portland, Oregon:  
 Arrived in Portland at 7 a. m. Fee to porter on sleeper, \$.25. Transfer of baggage, depot to hotel, \$.50. Conferred with U. S. atty. and Chief of Field Division Christensen.

Sunday, April 25, 1909, Portland, Oregon:  
 Sunday.

Monday, April 26, 1909, Portland, Oregon:  
 Took affidavit of Mr. Rogers, coal claimant in Alaska cases. Interviewed Louis G. Clarke, president of Ancora Oil and Coal Co. Interviewed attys. Coovert & Stapleton, attys. for Alaska coal claimants. Endeavored to locate and interview Winsley Bros., Alaska coal claimants.

Tuesday, April 27, 1909, Portland, Oregon:  
 Conferred with Chief of Field Division Christensen. Signed stipulation in re 5 homestead entries waiting hearings in Vancouver land district, submitting same on statement of facts. Transfer of baggage, hotel to depot, \$.50. Left Portland at 7.45 p. m. Issued T. R. No. 3920, to San Francisco (\$20.00).

Wed., April 28, 1909, on train:

En route to San Francisco. Fee to porter, \$.25.

Thurs., April 29th, 1909, San Francisco:

Arrived San Francisco at 9 a. m. Fee to porter, \$.25. Transfer baggage, depot to hotel, \$.50. Bus fare, depot to hotel, \$.50. Secured proposition of settlement for \$1,689.50 for timber purchased by Northern Commercial Co. Endeavored to confer with Mr. Henry. 6 street-car fares, \$.30. 3 telephone calls, \$.15.

Friday, April 30, 1909, San Francisco:

2 telephone calls, \$.10. Conferred with Mr. Heney in re land fraud cases. 3 street-car fares, \$.15. Instructed Stoner and Bowman in re Alaska coal cases. Issued T. R. 3921, San Francisco to Los Angeles, Cal. (14.00). S. P. R'y sleeper, San Francisco to Los Angeles, Cal., \$.25. Transfer baggage, hotel to depot, \$.50. Bus fare, hotel to depot, \$.50. Parcel checking of suit case, \$.25. Left San Francisco, 5 p. m.

*Daily record of work and expenses, May, 1909.*

[All signed "L. R. Glavis, special agent."]

Saturday, May 1, 1909, Los Angeles, Cal.:

Arrived at Los Angeles at 9 a. m. Fee to porter, \$.25. Transfer of baggage, depot to hotel, \$.50. Called at land office, secured mail and answered same. Commenced investigation of Alaska coal cases. Issued T. R. 3922, Los Angeles to San Diego and return (\$5.00). Santa Fe R'y, sleeper, \$.20. 4 street-car fares, \$.20. Issued T. R. 3923 for three tickets, Los Angeles to Chicago, Ill. (\$177.60). Left Los Angeles at 11.55 p. m. Issued T. R. 3924 for 3 Pullman berths, Los Angeles to Chicago (\$42.00).

May 2, 1909, Sunday, San Diego-Los Angeles:

Arrived San Diego at 7 a. m. Fee to porter, \$.25. Bus fare, depot to hotel, \$.50. Endeavored to locate Thomas Christopher and Thomas Tucker. 3 street-car fares, at 10 cents, \$.30. Bus fare, hotel to depot, \$.50. Santa Fe R'y, parlor-car fare, San Diego to Los Angeles, \$.50. Fee to porter, \$.25. Left San Diego at 2.05 p. m.; arrived Los Angeles 6.30 p. m. 1 street-car fare, \$.05.

Monday, May 3rd, 1909, Los Angeles-Pasadena:

Located whereabouts of 14 coal claimants. Made investigation in re their character, etc. Left Los Angeles at 1.30 p. m. for Pasadena. Endeavored to interview three claimants; returned to Los Angeles at 5 p. m. P. E. R'y Co., fare to Pasadena and return, \$.25. 3 street-car fares in Los Angeles, \$.15. 2 street-car fares in Pasadena, \$.10.

Tuesday, May 4th, 1909, Los Angeles-Pasadena:

Wrote four letters in re work in division. Left Los Angeles at 1 p. m. for Pasadena. P. E. R'y Co., fare Los Angeles to Pasadena and return, \$.25. Sent two telegrams to Agent Doyle, \$.54. 2 street-car fares in Pasadena, \$.10. 2 street-car fares in Los Angeles, \$.10. Secured affidavits of J. W. Wood, L. Isaman, and Sara Isaman.

Returned to Los Angeles at 7 p. m.

882 Wednesday, May 5, 1909, Los Angeles:

Interviewed Mrs. Anna White in re Alaska coal claim. Instructed Stoner and Bowman in re making investigations. 4 street car fares, \$.20; 1 telephone message, \$.10.

Thursday, May 6th, 1909, Los Angeles: En route to Chicago:

Left Los Angeles at 9.45 a. m. Transfer baggage hotel to depot, \$.50.

Friday, May 7th, 1909, on train:

En route to Chicago. Fee to porter, \$.25.

Saturday, May 8th, 1909, on train:

En route to Chicago. Fee to porter, \$.25.

May 9th, 1909 (Sunday), Chicago, Ill.:

Arrived at Chicago at 1.30 p. m. Fee to porter, \$.25. Transfer baggage, depot to hotel, \$1.00. Bus fare, depot to hotel, \$.50.

Monday, May 10th, 1909, Chicago:

Attended to correspondence received from headquarters. Secured present addresses of some of the coal claimants. Commenced investigation of coal cases.

Tuesday, May 11, 1909, Chicago:

Worked on coal cases; instructed agents, etc. Also attended to mail.

Wed., May 12th, 1909, Chicago:

Attended to mail received from Seattle; worked on Alaska coal cases. Issued T. R. 3925 for four tickets to Detroit, Mich. (\$22). Issued T. R. 3926 for four berths to Detroit, Mich. (\$18). Hack hire, hotel to depot, \$0.50. Left Chicago at 11 p. m.

Thursday, May 13th, 1909, Detroit, Mich.:

Arrived at Detroit at 7.30 a. m. Hack hire, depot to hotel, \$0.50. Transfer of baggage, depot to hotel, \$0.50. Commenced investigation of Alaska coal cases; took affidavits of James H. Donaldson and Chas. A. Sauppe and interviewed others.

Friday, May 14th, 1909, Detroit, Mich.:

Interviewed Heyman, Roehm in re his coal claim. Interviewed Chas. M. Roehm and H. W. Paton, treasurer and secretary, respectively, of Michigan Alaska Development Company, involving about 160 claims; secured books and records of company. Worked until midnight comparing and copying records. 5 street-car fares in Detroit, \$0.25.

Saturday, May 15th, 1909, Detroit, Mich.:

Met the officers of the Michigan Alaska Development Co. Secured affidavits of the seven present in re coal cases. For typewriting records of said company, \$24.00. Transfer of baggage, hotel to depot, \$1.00. Left Detroit at 8.05 p. m. Michigan Central R. R. sleeper to Pittsburgh, Pa., \$2.00. Excess baggage, Detroit to Washington, \$3.45. Ticket to Washington secured on T. R. of Agent Kennedy. Bus fare, hotel to depot, \$0.25.

Sunday, May 16th, 1909, Pittsburgh, Harrisburg, Washington:

Arrived at Pittsburgh at 7 a. m. Fee to porter on sleeper, \$0.25. Left Pittsburgh at 7.05 a. m. Pennsylvania R. R. Co. parlor car fare to Harrisburg, \$1.00. Pennsylvania R. R. Co. parlor car fare to Washington, \$0.65. Arrived at Washington at 4.30 p. m. Fee to porter, \$0.25.

Monday, May 17th, 1909, Washington, D. C.:

In conference with Secretary and commissioner relative to result of investigations in re Alaska coal cases.

Tuesday, May 18th, 1909, Washington, D. C.:

Attending to routine work affecting my field division. Transfer of trunk, depot to office, \$0.75.

Wed., May 19th, 1909, Washington, D. C.:

Conferred with chiefs of divisions in re reports and accounts. Conferred with the Attorney-General in re Oregon matters.

Thurs., May 20, 1909, Washington, D. C.:

Working on Alaska coal cases.

Friday, May 21st, 1909, Washington, D. C.:

Working on Alaska coal cases.

Sat., May 22, 1909, Washington, D. C.:

Working on Alaska coal cases.

Sun., May 23rd, 1909, Washington, D. C.:

Working on Alaska coal cases.

Mon., May 24th, 1909, Washington, D. C.:

Working on Alaska coal cases.

Tues., May 25th, 1909, Washington, D. C.:

Conferred with Attorney-General relative to Oregon matters and Alaska coal cases.

Wed., May 26th, 1909, Washington, D. C.:

Submitted report on Alaska coal cases involving 782 entries.

883 Thurs., May 27, 1909, Washington, D. C.:

Conferred with Secretary relative to Alaska coal cases.

Fri., May 28th, 1909, Washington, D. C.:

Instructed Bowman in re investigation of Alaska coal cases and attended to routine work received from Seattle.

Sat., May 29th, 1909, Washington, D. C.:

Preparing monthly accounts and arranging data to be covered by report to Attorney-General relative to Oregon land fraud cases.

Sun., May 30th, 1909, Washington, D. C.:

Did not attend to any work.

Mon., May 31st, 1909, Washington, D. C.:

Legal holiday.

### *Daily record of work and expenses, June, 1909.*

[All signed "L. R. Glavis, special agent."]

Tuesday, June 1, 1909, Washington:

Rearranging the original papers in the Alaska coal cases.

Wednesday, June 2, 1909, Washington, D. C.:

Conferred with clerks, Division P, in re cases reported.

Thursday, June 3, 1909, Washington, D. C.:

Conferred with chief field service and clerks Division P. Transfer baggage (trunk), house to depot, \$0.50. Penn. Ry., sleeper, Wash. D. C., to New York, \$2.00.

Friday, June 4, 1909, en route:

Left Washington, D. C., at 12.30 a. m.; arr. New York 7.30 a. m. Fee to porter on sleeper, \$.25. Hack hire, depot to hotel, \$.50. Transfer baggage (2 trunks), depot to hotel, \$.75. Endeavoring to locate Helen Bushnell and other coal claimants.

Saturday, June 5, 1909, New York:

Endeavoring to locate coal claimants Alaska coal cases.

Sunday, June 6, 1909, New York, en route:

Took affidavit in re coal case. Issued T. R. No. — to Penn. Ry. for fare, New York to Chicago. Transfer baggage, hotel to depot, \$.90. Left New York 3.45 p. m. P. P. C. Co., fare, New York to Chicago, \$5.00.

Monday, June 7, 1909, Chicago:

Arrived in Chicago 9 a. m. Fee to porter on sleeper, \$.25. Checking hand baggage, \$.10 Street car fares (5), \$.25. Made investigation of qualifications of applicant Herbert S. Foreman for appointment as special agent. Made favorable report by wire. Left Chicago 6.30 p. m.

Tuesday, June 8, 1909, en route:

Arrived St. Paul 11 a. m. P. P. C. Co., St. Paul, fare St. Paul to Seattle, \$12.00 Left St. Paul 11 a. m., en route Seattle.

Wednesday, June 9, 1909, en route Seattle:

Fee to porter on sleeper, en route Seattle, \$.25.

Thursday, June 10, 1909, Seattle:

Fee to porter on sleeper, en route Seattle, \$.25. Arrived Seattle 9.30 p. m. Transfer baggage, depot to hotel, Seattle, .50.

Friday, June 11, 1909, Seattle:

In office. Transfer baggage (being office files), depot to office, \$.50.

Saturday, June 12, 1909, Seattle:

In office until 11 p. m.

Sunday, June 13, 1909, Seattle:

In Seattle.

Monday, June 14, 1909, Seattle:

In office.

Tuesday, June 15, 1909, Seattle:

In office until 11 p. m.

Wednesday, June 16, 1909, Seattle:

In office.

Thursday, June 17, 1909, Seattle:

In office.

Friday, June 18, 1909, Seattle:

In office until 11 p. m.

Saturday, June 19, 1909, Seattle:

In office.

Sunday, June 20, 1909, Seattle:

In office.

884 Monday, June 21, 1909, Seattle:

In office until 11 p. m.

Tuesday, June 22, 1909, Seattle:

In office until 11 p. m.

Wednesday, June 23, 1909, Seattle:

In office until 11 p. m.

Thursday, June 24, 1909, Seattle:

In office until 11 p. m.

Friday, June 25, 1909, Seattle:

In office until 10 p. m.

Saturday, June 26, 1909, Seattle:

In office until 11 p. m.

Sunday, June 27, 1909, Seattle:

In office.

Monday, June 28, 1909, Seattle:

In office until 11 p. m.

Tuesday, June 29, 1909, Seattle:

In office.

Wednesday, June 30, 1909, Seattle:

In office until 11 p. m.

*Daily record of work and expenses, July, 1909.*

Thursday, the 1st day of July, 1909, Seattle, Wash.

Issued T. R. 47911 to Portland, Ore. & return (\$11.20).

Securing evidence in Alaska coal cases and attending to office work. Worked in evening until 11 p. m.

Friday, the 2nd day of July, 1909, Seattle, Wash.:

Worked on Alaska coal cases. Attended to office work.

Saturday, the 3rd day of July, 1909:

Sick—did not attend to official duties.

Sunday, the 4th day of July, 1909:

Sunday.

Monday, the 5th day of July, 1909:

Legal holiday.

Tuesday, the 6th day of July, 1909, Seattle, Wash.:

Worked on Alaska coal investigations, and attended to office work.

Wednesday, the 7th day of July, 1909, Seattle, Wash.:

Submitted report in re M. A. Arnold coal entry.

Thursday, the 8th day of July, 1909, Seattle, Wash.:

Office work. Made adverse reports on Dunn group and Cunningham group, Alaska coal entries.

Friday, the 9th day of July, 1909, Seattle:

Office work. Made adverse reports in re Dickerman group and Brown group, Alaska coal entries.

Saturday, the 11th day of July, 1909, Seattle, Wash.:

Office work. Secured Harry White's affidavit in re Green group.

Sunday, the 12th day of July, 1909, Seattle, Wash.:

No work performed.

Monday, the 13th day of July, 1909, Seattle, Wash.:

Submitted adverse report in re Doughten group, Alaska coal cases. Favorably reports Walsh group and Flint group, 4. Submitted favorable report in re White group, Alaska coal cases, 3. Submitted favorable report in re Runnels group, Alaska coal cases, 3. Submitted favorable report in re Warddell group, Alaska coal cases, 4. Submitted favorable report in re Harkrader group, Alaska coal cases, 4. Submitted favorable report in re Kifting group, Alaska coal cases, 2.

Coal filings: Reports submitted—good, 20; bad, 40.

Tuesday, the 14th day of July, 1909, Seattle, Wash.:

Office work.

Thursday, the 15th day of July, 1909, Seattle, Wash.:

Made adverse report in re Christopher, Simmonds, and Letcher group, Alaska coal cases, 71 cases. Made adverse report in re Stracey group, Alaska coal cases, 78 cases.

Coal filings: Reports submitted—bad, 149.

Friday, the 16th day of July, 1909, Seattle, Wash.:

Office work. Made adverse report in re Watson group, Alaska coal filings, 39 cases, and 25 cases in same group favorably reported.

Coal filings, reports submitted: Good, 25; bad, 39.

885 Saturday, the 17th day of July, 1909, Seattle, Wash.:

Office work. Made adverse report in re T. T. by Northern Commercial Co.—

A. X 43.

Sunday, the 18th day of July, 1909, Seattle, Wash.

Monday, the 19th day of July, 1909, Seattle, Wash.:

Office work. Made adverse reports in re Bushnell, McAlpine, and Mackey group, Alaska coal cases. Made favorable reports in re 8 lieu selections (X64, 65, 69, 70, 71, 72, 73, & X9), 2 T. & S. C. Es (X310, 311), and H. E. 18976 (S. 228). Worked in evening until 10.30 p. m. on Alaska coal cases.

Reports submitted: Homestead: Good, 1. Timber and stone: Good, 2. Coal filings: Bad, 175. Lieu selections: Good, 8.

Tuesday, the 20th day of July, 1909, Seattle, Wash.:

Office work.

Wednesday, the 21st day of July, 1909, Seattle, Wash.:

Office work.

Thursday, the 22nd day of July, 1909, Seattle, Wash.:

Office work.

Friday, the 23rd day of July, 1909, Seattle, Wash.:

Office work. Upon the verbal instructions of the commissioner am remaining at headquarters.

Saturday, the 24th day of July, 1909, Seattle, Wash.:

Office work.

Sunday, the 25th day of July, 1909, Seattle, Wash.:

Office work.

Monday, the 26th day of July, 1909, Seattle, Wash.:

Office work.

Tuesday, the 27th day of July, 1909, Seattle, Wash.:

Office work.

Wednesday, the 28th day of July, 1909, Seattle, Wash.:

Office work; preparing cases for field trip.

Thursday, the 29th day of July, 1909, Seattle, Wash.:

Transfer baggage, hotel to depot, \$.50. Issued T. R. No. 47912, N. P. Ry. Co., Seattle to Portland (\$5.60); N. P. Ry. Co., sleeper Seattle to Portland, \$2. Office work; prepared cases for field exam.. Left Seattle at midnight.

Friday, the 30th day of July, 1909, Portland, Oreg.:

Fee to porter on sleeper 25 cts.; transfer baggage, depot to hotel, \$.50, bus fare depot to hotel, 25 cts. Arr. Portland at 8 a. m.; conferred with Forest Service in re Alaska coal cases and in reference to employment of Gabriel Wingate. Gave Wingate verbal instructions.

Saturday, the 31st day of July, 1909, Portland, Ore.:

Wrote instructions for Gabriel Wingate in re coal cases. Conferred with Forest Service.

*Daily record of work and expenses, August, 1909.*

Sunday, the 1st day of August, 1909, Portland, Oregon:

Wrote daily reports and prepared monthly account.

Monday, the 2nd day of August, 1909, Portland, Oregon:

Locating coal claimants to be interviewed; tried to interview C. R. Mears; investigated A. B. Crosman's participation in certain coal companies.

Tuesday, the 3rd day of August, 1909, Portland, Oregon:

Took affidavits of A. A. Lindsley, E. C. Mears, and I. B. Hammond; also interviewed Mr. Pittoch, of the Oregonian, in re Alaska coal cases.

Wednesday, the 4th day of August, 1909, Portland, Oregon:

N. P. Ry. Co., fare to Seattle, Wash., \$.60; N. P. Ry. Co., sleeper, \$2.00; transfer of baggage, \$.50; bus fare, hotel to depot, 25 cts. Interviewed W. H. Hurlburt and Mr. Pendleton, of firm of Buffum & Pendleton; secured from Mr. Pendleton the minute book of the Anglo-American Oil & Coal Company. Worked late copying and comparing same.

Left for Seattle at midnight.

Thursday, the 5th day of August, 1909, Seattle, Wash.:

Fee to porter, 25 cts.; transfer of baggage, 25 cts. Office work.

Friday, the 6th day of August, 1909, Seattle & en route to Spokane:

N. P. Ry. Co., sleeper to Spokane, \$2.50; transfer baggage, \$.50. Office work; left for Spokane at 10.30 p. m. Transportation furnished on T. R. of Agt. Gery's.

Saturday, the 7th day of August, 1909, Spokane, Wash.:

Fee to porter, 25 cts.; transfer of baggage, \$.50. Arrived at Spokane at 2 p. m., too late to interview any of the claimants.

886 Sunday, the 8th day of August, 1909, Spokane, Wash.:

No work performed.

Monday, the 9th day of August, 1909, Spokane, Wash.:

Conferred with Hon. G. F. Pinchot in re coal cases.

Tuesday, the 10th day of August, 1909, Spokane, Wash.:

Issued T. R. 47913, to Chicago, Ill., N. P. Ry. (\$46.10), N. P. Ry. Co., sleeper to St. Paul, Minn., \$9.50. Transfer baggage, hotel to depot, 50 cts. Worked on coal cases; left Spokane at 10 p. m.

Wednesday, the 11th day of August, 1909, en route to Chicago, Ill.:

Fee to porter on sleeper, 25 cts.

Thursday, the 12th day of August, 1909, en route to Chicago, Ill.:

Fee to porter, \$0.25.

Friday, the 13th day of August, 1909, Chicago, Ill.:

Fee to porter on sleeper, 25 cts. Pullman berth, St. Paul, Minn., to Chicago, Ill., \$2.50. Bus fare, depot to hotel, Chicago, 50 cts. Transfer baggage, depot to hotel, Chicago, 50 cts. Arrived at Chicago at 10.40 p. m.

Saturday, the 14th day of August, 1909, Chicago, Ill.:

Worked on Alaska coal cases.

Sunday, the 15th day of August, 1909, Chicago, Ill.:

Issued T. R. 47914, Penn. Co., Chicago to New York (\$20.00), & T. R. 47915, for berth and extra fare (\$15.00); bus fare, hotel to depot, 50 cts.; transfer baggage, hotel to depot, 50 cts. Worked on Alaska coal cases; left Chicago at 2.45 p. m.

Monday, the 16th day of August, 1909, New York City:

Fee to porter on sleeper, 25 cts.; transfer baggage, depot to house, \$.50; N. Y., N. H. & H. R. R. sleeper, New York to Boston, Mass., \$2.00. Issued T. R. 47916, N. Y., N. H. & H. R. R., New York to Boston (4.05). Arr. in New York at 10 a. m. Worked on Alaska coal cases. Left New York at midnight.

Tuesday, the 17th day of August, 1909, Boston, Mass., & Beverly, Mass.:

Fee to porter, 25 cts.; Boston & Maine R. R., fare, Boston to Beverly, 35 cts.; bus fare, depot to hotel, Beverly, \$.25. Arr. Boston at 7 a. m. Left Boston at 7.30 a. m.;



arr. Beverly at 8.15 a. m. Conferred with the President's Secretary during the morning. In the afternoon received instructions to confer with the President at 3 p. m. to-morrow.

Wednesday, the 18th day of August, 1909, Beverly, Mass., and Boston:

Boston & Maine R. R., fare Beverly to Boston, 35 cts. Hack hire, Beverly to the President's residence and return, \$3.50. In conference with the President in re Alaska coal cases. Returned to Boston at 5.40 p. m.; arr. at 6.20 p. m.

Thursday, the 19th day of August, 1909, Boston, Mass.:

Remained in Boston for further instructions at request of the President.

Friday, the 20th day of August, 1909, Boston, Mass.:

Remained in Boston for further instructions at request of the President.

Saturday, the 21st day of August, 1909, Boston, Mass.:

Remained in Boston for further instructions at request of the President.

Sunday, the 22nd day of August, 1909, Boston, Mass.:

Monday, the 23rd day of August, 1909, Boston, Mass.:

N. Y., N. H. & Hartford R. R., sleeper to New York City, \$1.50. Issued T. R. 47917 (\$4.65). Received instructions from the President. Left Boston at midnight. Great Northern Hotel, Chicago, Ill., will be my address until Aug. 27th.

Tuesday, the 24th day of August, 1909, New York City:

Fee to porter, 25 cents. N. Y. Central Ry., sleeper to Chicago, \$5.00. Issued T. R. No. 47918 (\$24.00). Transfer baggage, house to depot, 50 cts. Arrived in N. Y. at 7 a. m. Left New York at 5.20 p. m.

Wednesday, the 25th day of August, 1909, Chicago, Ill.:

Fee to porter, 25 cts. Transfer baggage, depot to hotel, 50 cts. Bus fare, depot to hotel, 50 cts. Arrived at Chicago at 5.30 p. m.

Thursday, the 26th day of August, 1909, Chicago, Ill.:

Telegraph message, 47 cts. Worked on coal cases, preparing & segregating evidence in the different groups, in order to determine what additional evidence is obtainable.

Friday, the 27th day of August, 1909, Chicago, Ill.:

Issued 47919, C. N. W. Ry. Co., Chicago to Portland (\$56.90). Issued T. R. 47920, Pullman Co. sleeper, St. Paul, Minn., to Seattle (\$12.00). Worked on Alaska coal cases, preparing and segregating the evidence in the different groups; reviewed the evidence and determined on what further investigation is necessary in the East; to be assigned to Agt. Bowman.

Saturday, the 28th day of August, 1909, Chicago, Ill.:

Had 5 interviews and made other efforts to locate Robert A. Foster & Shirley S. Philbrick in re Alaska coal cases.

887 Sunday, the 29th day of August, 1909, Chicago, Ill., & en route to St. Paul, Minn.:

C. N. W. Ry., sleeper to St. Paul, Minn., \$2.00; transfer of baggage, hotel to depot, \$0.25; bus fare, hotel to depot, 50 cts. Mailed Bowman detailed instructions in re investigations to be made in Detroit & other sections of the East. Left Chicago at 10.10 p. m.

Monday, the 30th day of August, 1909, St. Paul, Minn., & en route to Seattle:

Fee to porter on sleeper, 25 cts. Arr. St. Paul at 10 a. m. Left St. Paul at 11 a. m.

Tuesday, the 31st day of August, 1909, en route to Seattle, Wash.:

Fee to porter on sleeper, 25 cts.

#### *Daily record of work and expenses, September, 1909.*

Wednesday, the 1st day of Sept., 1909, Seattle, Wash.:

Fee to porter, 25 cts; transfer baggage, depot to hotel, 50 cts. Arr. Seattle at 8.30 p. m.

Thursday, the 2nd day of Sept., 1909, Seattle, Wash.:

Office work.

Friday, the 3rd day of Sept., 1909, Seattle, Wash.:

Office work. Worked in evening until 10.30 p. m.

Saturday, the 4th day of Sept., 1909, Seattle, Wash.:

Office work.

Sunday, the 5th day of Sept., 1909, Seattle, Wash.:

Worked in office half a day.

Monday, the 6th day of Sept., 1909, Seattle, Wash.:

Office work.

Tuesday, the 7th day of Sept., 1909, Seattle, Wash.:

Office work.

Wednesday, the 8th day of Sept., 1909, Seattle, Wash.:

Office work.

Thursday, the 9th day of Sept., 1909, Seattle, Wash.:  
Office work.  
Friday, the 10th day of Sept., 1909, Seattle, Wash.:  
Office work.  
Saturday, the 11th day of Sept., 1909, Seattle, Wash.:  
Office work.  
Sunday, the 12th day of Sept., 1909, Seattle, Wash.:  
Office work.  
Monday, the 13th day of Sept., 1909, Seattle, Wash.:  
Office work.  
Tuesday, the 14th day of Sept., 1909, Seattle, Wash.:  
Office work.  
Wednesday, the 15th day of September, 1909, Seattle, Wash.:  
Office work.  
Thursday, the 16th day of Sept., 1909, Seattle, Wash.:  
Office work.  
Friday, the 17th day of Sept., 1909, Seattle, Wash.:  
Office work.  
Saturday, the 18th day of Sept., 1909, Seattle, Wash.:  
Office work.

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DAILY REPORTS HORACE T. JONES, JUNE, 1907, TO DECEMBER, 1909.

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*Daily reports, June, 1907.*

[All signed "Horace Tillard Jones, special agent."]

June 1st, 1907, Portland, Oregon:

At U. S. land office, Portland, Oregon, making list of contests against Siletz home-  
stead entrymen.

June 2, 1907, Portland, Or., Sunday.

June 3, 1907, Portland, Or.:

Made report, from data gathered at U. S. land office, Portland, Or., in re ———, for  
the use of Spl. Insp. Neuhausen. Prepared transcript for Spl. Insp. Neuhausen of  
docket entries in contest cases: Chas. E. Hayes *vs.* Alice Smith—Chas. E. Hays *vs.*  
Walter J. Smith—W. G. Howell *vs.* Alice Smith and Chas. E. Hays—W. G. Howell *vs.*  
Walter J. Smith and Chas. E. Hays, said contest being brought in the U. S. land office,  
Portland, Oregon.

June 4, 1907, Portland, Or.:

Prepared copy, in duplicate, of contest notice of Grover C. Gherking *vs.* Champ  
Smith, D. L. E. No. 138, The Dalles, Or., land district, for the use of Spl. Insp.  
Neuhausen. Also other office work.

June 5, 1907, Portland, Or.:

Prepared for use of Spl. Insp. Neuhausen copy of Inspector E. B. Linnen's confiden-  
tial report of April 20, 1905, to commissioner. 15 typewritten pages.

June 6, 1907, Portland, Or.:

894 Consulted with register U. S. land office, Portland, Or., about surveys in  
Oregon.

June 7, 1907, Portland, Or.:

Making copies, for the use of Neuhausen, Special Inspector, of field notes of sections,  
townships, and ranges embraced in Oregon State Desert Land Selection Lists Nos. 3  
and 4, at Surveyor General's Office. (Related to investigation directed to be made,  
as suggested in Commr's letter "F," 1906—173572, 1907—70295, C. C. K., of May 15,  
1907.)

June 8, 1907, Portland, Or.:

Preparing copies of field notes, for Inspector Neuhausen, of lands embraced in  
Oregon State Desert Selection Lists 3 and 4.

June 9, 1907, Portland, Or., Sunday.

June 10th, 1907, Portland, Or.:

Making copies, for use of Inspector Neuhausen, of sections, townships, and ranges embraced in Oregon State Desert Land Selection Lists 3 and 4, at office of Surveyor General for Oregon.

June 11th, 1907, Portland, Or.:

At office of U. S. Surveyor General for Oregon preparing copy of field notes of survey of sections, townships, and ranges embraced in Oregon State Desert Land Selection Lists 3 and 4, for the use of Inspector Neuhausen.

June 12th, 1907, Portland, Or.:

Making copies, for use of Inspector Neuhausen, of townships embraced in Oregon State Desert Land Selection List 3 and 4 and transmitted same to him. Made report as to knowledge of certain T. & S. and homestead applications in Roseburg and Lakeview land districts, to Inspector Neuhausen.

June 13th, 1907, Portland, Or.:

Prepared, for use of Special Inspector Neuhausen, copies of following letters:

June 14th, 1907:

Prepared original and carbon copy of answer of defendant to bill of complaint in case of U. S. *vs.* W. W. Steuver et al., No. 2911, for use of Inspector Neuhausen.

June 15th, 1907:

Preparing, for use of Inspector Neuhausen, chronological lists of papers in re the homestead proofs involved in the case of U. S. *vs.* W. W. Steuver et al., No. 2911.

June 16th, 1907, Portland, Oregon, Sunday.

June 17th, 1907, Portland, Oregon:

Preparing, for use of Inspector Neuhausen, chronological lists of final proof papers.

June 18th, 1907, Portland, Oregon:

Preparing, for use of Inspector Neuhausen, chronological list of proofs in entries involved in case ———.

June 19th, 1907, Portland, Oregon:

Preparing, for use of Inspector Neuhausen, chronological list of papers in re homestead proofs involved in case ———.

June 20th, 1907, Portland, Oregon:

Preparing, for inspector Neuhausen, chronological list of papers in re homestead entries involved in the case ———. Transmitted same to Inspector Neuhausen.

Preparing, for Inspector Neuhausen, schedule of entries made in Siletz Reservation prior to Nov. 14, 1903. One special delivery stamp on official communication to T. B. Neuhausen, .10.

June 21, 1907, Portland, Oregon:

Preparing, for use of Inspector Neuhausen, a list of entries in former Siletz Indian Reservation, prior to November 14, 1903.

June 22, 1907, Portland, Or.:

Preparing, for use of Inspector Neuhausen, a list of entries in former Siletz Indian Reservation made prior to November 14, 1903.

June 23, 1907, Portland, Oreg., Sunday.

June 24th, 1907, Portland, Oregon:

Preparing schedule of entries for land in the former Siletz Indian Reservation, made prior to Nov. 14, 1903, for Inspector Neuhausen.

June 25th, 1907:

Preparing schedule, for use of Inspector Neuhausen, of entries for land in former Siletz Indian Reservation made prior to Nov. 14, 1903.

June 26th, 1907, Portland, Oregon:

Preparing, for Special Inspector T. B. Neuhausen, schedule of entries made in former Siletz Indian Reservation prior to November 14, 1903.

June 27th, 1907, Portland, Oregon:

Turned Siletz schedule over to Inspector Neuhausen and started investigation of Alaska coal-land entries under authority of letter "P," H. H. S., 38231, dated June 21, 1907. Wrote M. S. Duffield, Ely, Nev., in re Alaska coal lands. One special delivery stamp on letter to M. S. Duffield, Ely, Nevada, .10. To Kilham Stationery Co., Portland, Oregon, one loose-leaf note book and extra pages, 1.25.

895 June 29th, 1907, Portland, Oregon:

Reading decisions relating to coal-land frauds. Conferring with L. R. Glavis, Chf. Field Div. No. 2.

June 28th, 1907, Portland, Oregon:

Reading up cases in re conspiracy, etc. Conferring with L. R. Glavis, Chief of Field Div. No. 2, in re specific cases of fraud in coal lands in Alaska, said cases being referred to me by Glavis in conjunction with the investigation ordered by letter addressed to me June 21, 1907, "P" H. H. S., No. 38231.

June 30th, 1907, Portland, Oregon, Sunday.

*Daily reports, July, 1907.*

[All signed "Horace Tillard Jones, special agent."]

July 1st, 1907, Portland, Oregon:

Reading decisions of Secretary of the Interior, and U. S. and Federal Reports in re conspiracy cases under sec. 5440, R. S., U. S.

July 2nd, 1907, Portland, Oregon:

Reading decisions of Secretary of the Interior, and U. S. and Federal Reports in re conspiracy cases under sec. 5440, R. S., U. S.

July 3d, 1907, Portland, Oregon:

Reading decisions of Secretary of Interior in re coal lands, and of U. S. and Federal Reports in re conspiracy cases under section 5440, R. S., U. S.

Arranged, in alphabetical order, list of coal claims in Alaska, as per list transmitted from G. L. O. with letter "P" H. H. S. 38231 of June 21, 1907.

July 4th, 1907, Portland, Oregon, holiday.

July 5th, 1907, Portland, Oregon:

Took affidavit of J. Frank Watson, of Portland, Oregon, in re coal land claim taken, in Alaska, by his wife, Mrs. J. Frank Watson.

To Kilham Stationery and Publishing Company, for one loose leaf price book No. 504 and 500 sheets of paper for same, 1.60.

July 6th, 1907, Portland, Oregon:

Reading decisions and rules in re coal-land cases. Preparing for trip to Alaska.

To Kilham Stationery & Publishing Co., for 250 sheets paper for loose-leaf notebook, \$0.50; to N. P. R. R. Co., berth in sleeper, Portland, Or., to Seattle, Wash., \$2.00; one street car fare in Portland, Or., \$0.05; Lv. Portland, 11.45 p. m., via N. P. R. R. See T. R. No. 27141 (fare, \$5.60), en route to Seattle, Wash.

July 7th, 1907 (Sunday), Seattle, Wash.:

At Seattle, Wash., 7.05 a. m. Fee to Pullman porter, \$0.25; one street car fare in Seattle, Washington, \$0.05.

July 8th, 1907, Seattle, Wash.:

En route to Alaska. Delayed waiting inspection of steamer "City of Seattle," by U. S. steamboat inspectors. Ship was to sail Monday morning at 9 o'clock, but will not sail until Tuesday evening at 9 o'clock.

July 9th, 1907, Seattle, Washington:

En route to Alaska. Delayed on account of inspection of steamer on which I was to have sailed July 8th at 9 a. m. Leave Seattle 9 p. m. en route to Juneau, Alaska. Fare via Pacific Coast Steamship Co.'s steamer "City of Seattle" (\$25.00). See T. R. 27142, including meals. No rebate for round trip.

July 10th, 1907:

En route to Juneau, Alaska.

July 11th, 1907:

En route to Juneau, Alaska.

July 12th, 1907:

En route to Juneau, Alaska.

July 13th, 1907:

En route to Juneau, Alaska; arrived at Juneau, Alaska, 6 p. m.

July 14th, 1907, Juneau, Alaska: Sunday.

July 15th, 1907, Juneau, Alaska:

At U. S. land office, taking addresses of coal-land claimants.

July 16th, 1907, Juneau, Alaska:

At U. S. land office, gathering data relating to coal-land applicants.

July 17th, 1907, Juneau, Alaska:

At U. S. land office, gathering data relating to coal-land applicants.

Lv. Juneau, Alaska, 8 p. m., en route to Seattle, Wash., via Pacific Coast Steamship Co.'s steamer "City of Seattle." Fare (\$25); same with or without meals. No rebate for round trip. See T. R. 27143.

July 18th, 1907:

En route to Seattle, Washington.

896 July 19th, 1907:

En route to Seattle, Washington.

July 20th, 1907:

En route to Seattle, Washington. Ar. Seattle, Wash., 12 p. m.

July 21st, 1907, Seattle, Wash.: Sunday.

July 22nd, 1907, Seattle, Wash.:

Conferring with honorable commissioner G. L. O. and special agent H. K. Love, in re coal-land applications in Alaska.

July 23rd, 1907, Seattle, Wash.:  
 Getting addresses of coal-land applicants (in Alaska) assisted by H. K. Love, special agent G. L. O.

July 24th, 1907, Seattle, Wash.:  
 Getting addresses of applicants for coal-lands in Alaska, assisted by H. K. Love, special agent G. L. O.

July 25th, 1907, Seattle, Wash.:  
 Getting addresses of coal-land applicants in Alaska, assisted by H. K. Love, special agent G. L. O.

July 26th, 1907, Seattle, Wash.:  
 Getting addresses of coal-land applicants in Alaska, assisted by H. K. Love, special agent, G. L. O.

July 27th, 1907, Seattle, Wash.:  
 Took affidavit of John R. Young in re his coal-land D. S., No. 367. Paid Northern Express Co. for express charges on Underwood typewriter from Portland, Oregon, to Seattle, Wash.

July 28th, 1907, Seattle, Wash.: Sunday.

July 29th, 1907, Seattle, Wash.:  
 Interviewed M. A. Green and W. O. Rinehart in re Alaska coal-land entries.  
 One street-car fare in Seattle, Wash., \$0.05; to N. P. R. R. Co. to berth in sleeper from Seattle, Wash., to Portland, Oregon, \$2.00; lv. Seattle, Wash., 10.20 p. m. en route to Portland, Or., fare via N. P. R. R., \$5.60.

July 30th, 1907, Portland, Oregon:  
 Ar. Portland, Oregon, 7 a. m. Fee to Pullman porter, \$0.25; one street-car fare in Portland, Oregon, \$0.05; transporting baggage from depot to home, \$0.50; interviewed and took affidavits of F. L. Stanley and George H. Hill in re Alaska coal-land entries.

July 31st, 1907, Portland, Oregon:  
 Interviewed A. B. Croseman in re his coal-land claim in Alaska. Took affidavit of Dr. J. T. Royles in re a list of some sixty-odd coal-land claims on Yukon River, Alaska.

*Daily reports, August, 1907.*

[All signed "Horace Tillard Jones, special agent."]

August 1, 1907, Portland, Oregon:  
 Made out and mailed monthly account for July, 1907. Interviewed E. House in re coal-land D. S. 448.—S. J. Barber, in re coal land D. S. No. 446.—Took affidavit of A. B. Coveman in re coal land declaratory statements 83 and 105. Took affidavit of C. M. Cartwright in re coal land D. S. 363. All in Alaska dist.

August 2nd, 1907, Portland, Oregon:  
 Took affidavit of H. J. Morrison in re coal-land D. S. No. 91; took affidavit of D. H. Brown in re coal-land D. S. No. 281; both being Alaska series.

One street car fare in Portland, Oregon, \$0.05; to O. R. & N. Co., berth in sleeper, Portland, Or., to Spokane, Wash., \$2.50; Lv. Portland, Or., 7 p. m., en route to Spokane, Wash., T. R. 27144 via O. R. & N. Co., fare (\$11.20), no rebate for R. T.

August 3, 1907, Spokane, Wash.:  
 Ar. Spokane, Wash., 11.15 a. m. Fee to Pullman porter, \$.25; three street car fares in Spokane, \$.15. Interviewed and made personal affidavit in re coal claims in Alaska of: M. J. Kalez, D. S. 460—Wm. F. Boettscher, D. S. 480—G. H. Mueller, D. S. 432 & (Pauline Mueller) D. S. 467—F. H. Mason, D. S. 185. Took affidavit of Harvey S. Moore in re D. S. No. 369, Alaska.

August 4, 1907, Spokane, Wash.:  
 Took statement of Godfried H. Mueller in re coal D. S. 467, Pauline Mueller & D. S. 482 Godfried H. Mueller.

August 5, 1907, Spokane, Wash.:  
 Took affidavits of Fred H. Mason, D. S. 185 and A. B. Campbell, D. S. 161. Interviewed George Madgett in re D. S. 462. He refused to give statement. Two street car fares in Seattle, Wash., \$.10. Took statement of Andrew Anderson in re D. S. 493; took statement of Fred Jacobs in re D. S. 491; took statement of Mabel B. McIntyre in re D. S. 196.

897 To N. P. R. R. Co., berth in standard sleeper from Spokane, Wash., to Seattle, Wash., \$2.50. Lv. Spokane, Wash., 11 p. m., en route to Seattle, Wash., fare T. R. 27145 (\$10.10).

August 6, 1907, Seattle, Wash.:  
 Fee to Pullman porter, \$.25. Ar. Seattle, Wash., 2.30 p. m. Conferring with honorable Commissioner G. L. O. and H. K. Love, Special Agent G. L. O., in re Alaska coal-land investigation.

August 7, 1907, Seattle, Wash.:

To Lowman & Hanford, stationers, Seattle, Wn., for thirteen sheets of multicopy carbon paper, \$.50. Made duplicate typewritten copies of affidavits of J. Frank Watson, Harry White, H. J. Morrison, F. C. Harper, D. H. Brown, and C. M. Cartwright in re coal lands in Alaska.

August 8, 1907, Seattle, Wash.:

Had conference with honorable Commissioner G. L. O., H. K. Love, special agt. G. L. O., and C. F. Munday, atty. at law, concerning the Stracey coal lands in Alaska. Made typewritten copies in duplicate of affidavits of A. B. Crozman, Fred. S. Stanley, Geo. H. Hill, Fred Jacobs, Godfried H. Mueller, M. J. Kalez, J. R. Young, and Frederick & Wm. Felitz in re coal lands in Alaska.

August 9, 1907, Seattle, Wash.:

Took affidavit of Oscar & E. E. Foote in re D. S. Nos. 194 & 193. Made duplicate typewritten copies of same, and of affidavits of Harvey S. Moore, J. T. Royles, Mabel B. McIntyre, Wm. Gottstein, Fred H. Mason, Wm. Devere, and Geo. Hartig in re Alaska coal lands.

August 10, 1907, Seattle, Wash.:

Took affidavits of Spl. Agt. H. K. Love in re statements made to him by Wm. Devere, D. S. 306—George Hartig, D. S. 307—Oldham Gates, D. S. 422, and R. S. Cox, jr., D. S. 271, all in the Juneau, Alaska, land district. Made out and forwarded to G. L. O. report on Alaska investigation.

Lv. Seattle, Wn., 10.30 p. m. via N. P. R. R. (see T. R. 27146; fare \$5.60) en route to Portland, Or. To N. P. R. R., berth in sleeping car from Seattle, Wn., to Portland, Oregon, \$2.00.

August 11, 1907 (Sunday), Portland, Oregon:

Ar. Portland, Or., at 7.05 o'clock a. m. Fee to sleeping-car porter, \$.25; one street-car fare in Portland, Or., \$.05; transfer of baggage from depot to house, \$.25.

August 12, 1907, Portland, Or.:

Transmitted to H. K. Love, spl. agt. G. L. O., Seattle, Wash., list of applicants for Alaska coal lands residing in Seattle, Wash.

August 13, 1907, Portland, Or.:

Preparing list of names and addresses of Alaska coal-land applicants for transmission to G. L. O.

August 14, 1907, Portland, Oregon:

Preparing list of names and addresses of applicants for coal lands in Alaska for transmission to G. L. O.

August 15, 1907, Portland, Oregon:

Completed and mailed to G. L. O. list of names and addresses of Alaska coal-land applicants. Telegraphed G. L. O. for further work in Oregon.

August 16, 1907, Portland, Oregon:

Wrote General Land Office confirming telegram asking for work in Oregon.

August 17, 1907, Portland, Oregon:

To Wells Fargo Express Co., charges for transporting Underwood typewriter from Seattle, Wash., to Portland, Oregon, \$.80; awaiting instructions from G. L. O. as to work in Oregon.

August 18, 1907, Portland, Or., Sunday.

August 19, 1907, Portland, Or.:

Special Inspector T. B. Neuhausen returned from eastern Oregon at 6 o'clock p. m., and will assign work to me to-morrow.

August 20, 1907, Portland, Oregon:

Reported in person to T. B. Neuhausen, Acting Chief Field Division No. 1, for duty. Instructed, in writing, to investigate validity of lieu land selections in Oregon. Instructed that I would communicate with Chief T. B. Neuhausen by mail only. Wrote Neuhausen in re trip to Lakeview, Oregon, on lieu land investigation.

August 21, 1907, Portland, Oregon:

On leave of absence. Received special delivery letter from Acting Chief Neuhausen revoking order to go to Lakeview, Oregon, in the matter of lieu land selections until further advised.

August 22, 1907, Portland, Ore.:

At U. S. land office gathering data relating to status of lieu land selections in the Portland, Oregon, land district. Wrote T. B. Neuhausen, Acting Chief Field Div. No. 1, inclosing list of lieu land selections for State of Oregon under investigation as to status. Special delivery stamp for said letter, .10. Wrote T. B. Neuhausen, Acting Chief Field Div. No. 1, in re necessity of using special delivery stamp on communications to him relating to official matters. Special delivery stamp for above letter, .10.

August 23, 1907, Portland, Oregon:

Transmitted, by special delivery to T. B. Neuhausen, Acting Chief Field Division, Portland, Oregon. One special delivery stamp for above letter, .10. Completed and sent to Neuhausen data in re lieu land selections for Portland, Oregon, land district.

August 24, 1907, Portland, Oregon:

Preparing list of T. & S. and Hd. entries in La Grande, Oregon, land district for field examination, under instruction of T. B. Neuhausen, Acting Chief Field Div. No. 1.

August 25, 1907, Portland, Oregon, Sunday.

August 26, 1907, Portland, Oregon:

Wrote J. H. Alexander, Spl. Agt. Pendleton, Or., for information concerning La Grande, Or., L. D. Wrote G. L. O. for book T. R.'s copied afdvts., C. H. Doughten, Schram, Lippy, and Sautter, Alaska lands.

August 27, 1907, Portland, Or.:

Made out and sent in supplemental report, with affidavits of C. H. Doughten, John Schram, T. S. Lippy, and O. E. Sautter, in re Alaska coal-land locations, to G. L. O. Wrote G. L. O. in re unsigned report of Alaska coal-land investigation, of Aug. 10, 1907.

To O. R. & N. Co., sleeping-car berth from Portland, Or., to La Grande, Ore., \$2.00. Lv. Portland, Or., 7.40 p. m. en route to La Grande, Or., fare (\$9.10) see T. R. 27147.

August 28, 1907, La Grande, Oregon:

Ar. La Grande, Or., 8.15 a. m. Fee to Pullman porter, \$0.25. At U. S. Land Office getting status of following entries: ———. Wrote T. B. Neuhausen, Acting Chief, Field Div. No. 1, in re complaint of Fred Wunder.

August 29, 1907, La Grande, Ore.:

Getting status of H. E. Wm. Riley, No. 5467; wrote T. B. Neuhausen, Acting Chief Field Division, in re said H. E. of Wm. Riley. Wrote clerk Grant County in re said H. E. Wm. Riley. Wrote U. S. Commissioner, Ukiah, Ore., in re unlawful inclosure of Fred. Martin in T. 4 S., R. 32 E. Wrote W. S. Lindsey, Pendleton, Ore., calling for relinquishment of H. E. (cash) No. 8058, La Grande, land dist. Wrote T. B. Neuhausen, Portland, Ore., in re list of investigations in La Grande land dist.

August 30, 1907, La Grande, Ore.

August 31, 1907, La Grande, Ore.

### *Daily reports, September, 1907.*

[All signed "Horace Tillard Jones, special agent."]

September 1, 1907, La Grande, Ore., Sunday.

September 2, 1907, La Grande, Ore.:

Lv. La Grande, Or., 9.15 a. m., via O. R. & N. Co., ar. Elgin, Or., 11.30 a. m.; fare, no R. T., .65. Took affidavit of T. E. Parks in re H. E. 7654.

September 3d, 1907, Elgin, Ore.:

Lv. Elgin, Or., 3.45 p. m., via O. R. & N. Co.; fare, .65. Ar. La Grande 6.30 p. m. Lv. La Grande 9.30 p. m., via O. R. & N. Co.; fare, 1.55. Ar. Baker City 11 p. m.

September 4th, 1907, Baker City, Or.:

Lv. Baker City, Or., 8.30 a. m., via Sumpter Valley R. R. Ar. Salisbury, Or., 9 a. m.; fare (no R. T.), .50. Lv. Salisbury, Or., 9.15 a. m., via Sullivan's stage. Ar. Unity, Or., 6 p. m.; fare (no R. T.), 2.00.

September 5th, 1907, Unity, Oregon:

Left Unity, Or., at 9.30 a. m., for above trip to said H. E., and returned at 2.30 p. m. Paid Fult Fleetwood for use of team for above trip, with driver, total distance about 16 miles, \$2.00. Lv. Unity 4 p. m.; ar. Hereford, Ore., 7 p. m.; distance 10 miles. Paid H. Friedman, Baker City, Ore., for seat in wagon, Unity to Hereford, Ore., .75.

September 6, 1907, Hereford, Oregon.

September 7, 1907, Baker City, Ore.

September 8, 1907, Baker City, Ore.:

Lv. Baker City, Ore., 11 a. m., via O. R. & N. Co., fare, \$1.55; ar. La Grande, Ore., 1 p. m. Seat in Pullman for above trip, 0.25. At La Grande land office copying portions of final proof in re T. & S. 5210 J. H. Parker and making supplemental report of work and expenses for August 28, 1907; the original report lost in mails. Transmitted said report to T. B. Neuhausen, Acting Chief, Field Div.

899 September 9, 1907, La Grande, Oregon:

Wrote T. B. Neuhausen, Acting Chief, Field Division No. 1, in re daily reports and list of La Grande cases for investigation.

September 10, 1907, La Grande, Ore.:

Paid M. H. Kirtley, La Grande, Ore., for use of two horses and buggy, with driver, for said trip to H. E. 13803, \$4.50. Paid W. F. Alexander, Cove, Ore., for dinner for two horses, \$0.50. Paid S. G. Reese, Cove, Ore., for dinner for driver, \$0.35.

September 11, 1907, La Grande, Or.

September 12, 1907, Pendleton, Ore.

September 13th, 1907, Walla Walla, Wn.

September 14th, 1907, Walla Walla, Wn.

September 15th, 1907, Walla Walla, Wn.:

Took affidavit and relinquishment of Joseph W. Toner, H. E. 13695. Transmitted Toner relinquishment to La Grande land office. Interviewed John F. Mackin in re H. E. 9626. He refused to make written statement.

September 16th, 1907, Walla Walla, Wash.

September 17th, 1907, Walla Walla, Wash.

September 18th, 1907, Walla Walla, Wash.:

Lv. Walla Walla, Wash., 8.30 a. m., ar. Pendleton, Ore., 10.25 a. m., via O. R. & N. Co., fare, \$1.40. At county court house getting lists of lands assessed to M. T. Lynch, John Lynch, and estate of John Mackin to be used in report on homestead entries 9364, 9363, 9625, 9753, and 9626, La Grande series.

Lv. Pendleton, Ore., 1.15 p. m., ar. Portland, Ore., 9.15 p. m., via O. R. & N. Co. See T. R. 27148 (fare, \$6.85). (ab fare at Walla Walla, Wash., from hotel to depot, .25. To O. R. & N. Co., seat in buffet car, Pendleton to Portland, Or., \$1.25. Transfer of baggage from depot to house, Portland, Or., .50—\$3.40.

September 19th, 1907, Portland, Oregon:

September 20, 1907, Portland, Oregon.

September 21, 1907, Portland, Oregon.

September 22, 1907, Portland, Ore., Sunday.

September 23, 1907, Portland, Oregon:

Made letter report upon status of unfinished work in the La Grande, Oregon, land district, to Acting Chief, Field Division No. 1. Made written application to Acting Chief, Field Division No. 1, for ten days leave of absence.

September 24, 1907, Portland, Oregon:

On annual leave of absence.

September 25, 1907, Portland, Oregon:

On annual leave of absence.

September 26, 1907, Portland, Oregon:

On annual leave of absence.

September 27, 1907, Portland, Oregon:

On annual leave of absence.

September 28, 1907, Portland, Oregon:

September 29, 1907, Portland, Oregon, Sunday.

September 30, 1907, Portland, Oregon.

### *Daily reports, October, 1907.*

[All signed "Horace Tillard Jones, special agent."]

October 1, 1907, Portland, Oregon:

Searching for John Larson, Ole Elle, Conrad Elle, and L. M. Lee, all Siletz entrymen. Three street-car fares in Portland, Oregon, .15. Took affidavit of Ole Elle in re H. E. 14306 and Conrad Elle, in re H. E. 14308, both Portland, Ore., land district. Made out and sent in monthly expense account.

October 2, 1907, Portland, Oregon.

October 3, 1907, Portland, Ore.

October 4, 1907, Portland, Ore.:

Completed copy of abstract of work in the La Grande land district. Preparing copy of abstract of work in The Dalles land district, for T. B. Neuhausen, Acting Chief, Field Division No. 1.

October 5, 1907, Portland, Ore.:

Completed copy of abstract of work in The Dalles land district.

October 6, 1907, Portland, Ore.:

Lv. Portland, Oregon, 7.45 p. m. ar. Albany, Oregon, 11 p. m. via S. P. R. R., fare, \$2.45.

October 7, 1907, Portland, Ore.

October 8, 1907, Portland, Ore.

900 October 9, 1907, Portland, Ore.:

Arranging for bids on file case for Chief of Field Div. No. 1. Received instructions from Chief of Field Div. No. 1, to discontinue use of letter-press copy books.



October 10, 1907, Portland, Oregon:  
 Assisting L. R. Glavis, Chief of Field Div. No. 1, in rearrangement of card system for cases in The Dalles (Oregon) land district.  
 October 11, 1907, Portland, Ore.:  
 Assisting in rearrangement of card system of cases in The Dalles land district.  
 October 12, 1907, Portland, Ore.:  
 Assisting in rearrangement of card system of cases in The Dalles land district.  
 October 13, 1907, Portland, Ore.—Sunday.  
 October 14, 1907, Portland, Ore.:  
 Lv. Portland 8.30 a. m. ar. La Grande 8.45 p. m. via O. R. & N. Co., fare \$9.10, see T. R. 27149. Seat in buffet car from Portland to La Grande, \$1.50. Fee to buffet car porter, .25. Will be at La Grande on 16th and 17th.  
 October 15, 1907, La Grande, Elgin, & Wallowa, Ore.:  
 Lv. La Grande 10 a. m. ar. Elgin, Or., 12.30 p. m., via O. R. & N. Co., fare \$0.65.  
 Lv. Elgin, Or., 1.30 p. m., ar. Wallowa, Ore., 7.30 p. m.  
 October 16, 1907, Wallowa, Ore.:  
 Will be in La Grande the 18th or 19th.  
 October 17, 1907, Elgin, Oregon:  
 Feeding and stabling two horses, \$1.50. Team hire for two days, \$6.00.  
 October 18, 1907, Elgin & La Grande, Ore.:  
 Lv. Elgin, Ore., 3.45 p. m., ar. La Grande, Ore., 5.30 p. m. via O. R. & N. Co., fare, .65. Will be in and about Pendleton, Oct. 20, 21–22, etc.  
 October 19, 1907, La Grande, Ore.:  
 Looked at county records in re H. E. 13629, C. H. Arthur.  
 October 20, 1907, La Grande—Pendleton, Ore.:  
 Waiting for delayed train due at 8.45 a. m. Lv. La Grande 3.30 p. m., ar. Pendleton 7.15 p. m. via O. R. & N. Co., fare, \$2.20. Seat in buffet car, .50. Address will be Pendleton, Or., 21–22–23 of October.  
 October 21, 1907, Pendleton, Ore.:  
 Conferring with Spl. Agt. Alexander in re H. E. 10114 M. O'Rourke, H. E. 12621 J. G. Richardson, H. E. 9508, T. Williams, and other matters in La Grande district. Obtained relinquishment of H. E. 10665 of Theo. Van Puymhooch and transmitted same to La Grande land office. Interviewed J. G. Richardson in re H. E. 12621. P. O. address will be Pendleton until further notice.  
 October 22, 1907, Pendleton, Ore.  
 October 23, 1907, Pendleton—Cold Springs:  
 Lv. Pendleton, Or., 1 p. m.; drive to Cold Springs P. O., Ore. Interviewed Wm. Claypool in re H. E. 12621.  
 October 24, 1907, Pendleton, Ore., South Cold Springs:  
 Paid Wm. Claypool, supper, bed, and breakfast for 2 horses, \$0.50.  
 October 25, 1907, Pendleton, Ore.  
 October 26, 1907, Pendleton-Portland, Ore.  
 October 27, 1907, Portland, Oregon—Sunday.  
 October 28, 1907, Portland, Oregon.  
 October 29, 1907, Portland, Oregon:  
 At U. S. land office looking up decisions in reentries of deceased homesteaders.  
 October 30, 1907, Portland, Ore.:  
 At office of clerk U. S. court, Portland, Ore., getting data relative to indictments in land fraud cases and convictions thereunder, from July, 1905, to July, 1907.  
 October 31, 1907, Portland, Oregon:  
 At office of clerk U. S. court, getting data relative to indictments in land fraud cases and convictions thereunder, from July, 1905, to July, 1907. Made out account for October, 1907.

*Daily reports, November, 1907.*

[All signed "Horace Tillard Jones, special agent."]

Nov. 1, 1907, Portland, Ore.  
 Nov. 2, 1907, Portland, Oregon.  
 Nov. 3, 1907, Portland, Ore., Sunday.  
 Nov. 4, 1907, Portland—The Dalles, Ore.:  
 Lv. Portland 8.30 a. m. Ar. The Dalles, ar., 12.30 a. m., fare via O. R. & N. Co., \$2.60. Seat in Pullman, .50. Will be at Shaniko, Ore., Nov. 5, 6, 7.  
 901 Nov. 5, 1907, The Dalles—Shaniko, Oregon:  
 Paid Hudson Land Co. for blueprint, Tp. 3. S, 15 E., .50; Lv. The Dalles, 10.35 a. m. Ar. Shaniko, 5.30 p. m., fare via O. R. & N. Co. (no. R. T.), 3.40. Interviewed James Baxter in re his H. E. in Tp. 6 & 7 S., R. 18 E.  
 Nov. 6, 1907, Shaniko & Bake Oven, Ore.

Nov. 7, 1907, Bake Oven, Ore.:

Made field examination of H. E. 10348, C. H. Wagonblast; Al. Mosely; 10375, H. L. Mulkins; 11145, E. S. Payn; 11057, E. Suckow; 11058, J. Suckow; 11059, F. J. Suckow; 11056, C. C. Suckow; J. Bilysee; 9054, Wm. Stewart; 10039, E. S. Emston; 10101, B. Lawter. All "bad."

Nov. 8, 1907, Bake Oven, Ore., Shaniko, Or.

Nov. 9, 1907, Shaniko-The Dalles-Portland, Oregon.

Lv. Shaniko, Or., 7.15 a. m., ar. The Dalles 1.15 p. m., fare via O. R. & N., 3.40. Took advt. T. W. Callreath, sr., in re his H. E. 8254 The Dalles series. Consulting county records Wasco Co., and getting data at local office The Dalles, Or., in re homestead entries investigated Nov. 6-7 & 8. Lv. The Dalles 5 p. m., ar. Portland 8.20 p. m., via O. R. & N. Co., fare round trip, 4.00; seat in Pullman, The Dalles to Portland, Ore., .50.

Nov. 10, 1907, Portland, Ore., Sunday.

Nov. 11, 1907, Portland, Ore.

Nov. 12, 1907, Portland, Oregon.

Nov. 13, 1907, Portland, Ore.

Nov. 14, 1907, Portland, Or.

Nov. 15, 1907, Portland, Ore.:

Made typewritten copies of forms of affidavits in unlawful inclosure cases.

Nov. 16, 1907, Portland, Ore.:

Made copies of reports of work done by me (under T. B. Neuhausen, acting chief, and L. R. Glavis, Chief of Field Div. No. 1) in La Grande land district for use of L. R. Glavis.

Nov. 17, 1907, Portland, Ore.: Sunday.

Nov. 18, 1907, Portland, The Dalles, Or.:

Lv. Portland, Or., 8.30 a. m., ar. The Dalles 11.45 a. m. via O. R. & N. Fare, see round trip ticket purchased Nov. 9, 1907. Seat in Pullman car, Portland to The Dalles, Ore., \$.50. At local office getting ownership of lands in Tps. 14 & 15 S., Rs. 17 & 18 E.

Nov. 19, 1907, The Dalles, Dufur, Or.:

Nov. 20, 1907, Dufur, Or.

Nov. 21, 1907, Dufur & Tygh Valley, Ore.:

Team hire, \$4.00. Ar. Tygh Valley 7 p. m.

Nov. 22, 1907, Tygh Valley, Dufur, Or.:

Paid C. W. Wing for supper, bedding, & breakfast for two horses, \$1.50; paid Mrs. C. W. Wing for supper, bed, and breakfast for driver, 1.00.

Nov. 23, 1907, Dufur, Ore.:

To P. S. T. & T. Co., 1 phone message to U. S. L. O., The Dalles, from Dufur, Ore., \$.75; paid S. I. Everatts, Dufur, Or., for team hire Nov. 20, 21, & 22, at \$4.00 a day, with driver, & Nov. 23, \$3 a day without driver.

Nov. 24, 1907, Dufur, The Dalles:

Lv. Dufur 7.30 a. m. ar. The Dalles 9.30 a. m.; fare via Great Southern R. R. (no round trip), 1.00. At U. S. L. O. getting status of H. E. 10520 S. A. Scott and 7 others. P. O. address, Hood River, Nov. 25, 26, & 27.

November 25th, 1907, The Dalles, Portland:

Lv. The Dalles 5 p. m., ar. Portland, Ore., 8.30 p. m. via O. R. & N. Co.; fare, 2.60; seat in buffet car from The Dalles to Portland, Ore., .50.

Nov. 26, 1907, Portland, Ore.:

On leave of absence.

Nov. 27, 1907, Portland, Ore.:

On leave of absence.

Nov. 28, 1907, Portland, Oregon, Thanksgiving:

Conferring with L. R. Glavis, chief of field Div. No. 1 concerning work in The Dalles land district.

Nov. 29, 1907, Portland, Ore.

Nov. 30, 1907, Portland, Ore.:

Made out monthly expense account for November, 1907.

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*Daily reports, December, 1907.*

[All signed "Horace Tillard Jones, special agent."]

December 1st, 1907, Portland, Ore.: Sunday.

December 2nd, 1907, Portland, Ore.

December 3, 1907, Portland-Hood River, Ore.

December 4th, 1907, Hood River, Ore.: P. O. address 5, 6, 7, & 8th will be c/o Mt. Hood Hotel, Hood River, Ore.

December 5th, 1907, Hood River, Ore.:  
 Lv. Hood River 2.30 p. m.; ar. Viento, Or., 3 p. m. via Or. & N. R. R.; fare (no R. T.), .20. Lv. Viento 9.20 p. m.; ar. Hood River 9.40 p. m. via Or. & N. Co.; fare, .20.  
 December 5, 1907, Hood River-Viento, Or.:  
 Lv. Hood River 2.30 p. m.; ar. Viento, Or., 3 p. m.; fare via O. R. & N. Co. (no R. T.), .20. Lv. Viento 9.20 p. m.; ar. Hood River 9.40 p. m. via O. R. & N. Co.; fare, .20.  
 December 6th, 1907, Hood River-Mt. Hood, Ore.  
 December 7th, 1907, Mt. Hood-Hood River, Ore.  
 December 8th, 1907, Hood River, Ore.  
 December 9th, 1907, Hood River-Grass Valley, Oregon.  
 Lv. Hood River 9.50 a. m.; ar. Grass Valley, Or., 3 p. m. via O. R. & N. Co.; fare, 2.85.  
 December 10th, 1907, Grass Valley, Ore.  
 December 11th, 1907, Grass Valley, Ore.  
 December 12th, 1907, Grass Valley, Ore.  
 December 13th, 1907, Grass Valley & Moro, Ore.  
 December 14th, 1907, Moro & The Dalles, Oregon.  
 December 15th, 1907, The Dalles, Ore., Sunday.  
 December 16th, 1907, The Dalles, Ore.:  
 My address will be Dufur, Ore., until Dec. 19th.  
 December 17th, 1907, Dufur, Ore.:  
 Lv. Dufur, Or., 1 p. m. Made field examination of F. L. S. J. H. Johnston "bad," returned to Dufur 4 p. m., team hire, \$2. Took afdvt. J. H. Johnston in re his said entry.  
 December 18th, 1907, Dufur-Kingsley.  
 December 19th, 1907, Kingsley-Dufur:  
 Team hire, \$9.25. My P. O. address for 20, 21, 22 will be Hood River.  
 December 20th, 1907, Dufur-The Dalles-Hood River, Ore.  
 December 21st, 1907, Hood River-Portland, Or.  
 December 22, 1907, Portland, Oregon, Sunday.  
 December 23, 1907, Portland, Ore.  
 December 24, 1907, Portland, Oregon.  
 December 25, 1907, Portland, Ore., Xmas, 1907.  
 December 26, 1907, Portland, Oregon.  
 December 27, 1907, Portland, Oregon.  
 December 28, 1907, Portland, Ore.  
 December 29, 1907, Portland-Boring, Or.  
 December 30, 1907, Portland, Oregon  
 December 31, 1907, Portland, Oregon.

*Daily reports, January, 1908.*

[All signed "Horace Tillard Jones, special agent."]

January 1, 1908, Portland, Ore.: Legal holiday.  
 January 2, 1908, Portland-Salem, Ore.  
 January 3rd, 1908, Portland, Oregon.  
 January 4, 1908, Portland, Ore.  
 January 5, 1908, Portland, Ore.: Sunday.  
 January 6, 1908, Portland, Ore.  
 January 7, 1908, Portland, Oregon.  
 January 8, 1908, Portland, Oregon.  
 January 9, 1908, Portland, Ore.  
 January 10, 1908, Portland, Ore.  
 Checking up, from office records of Chief of Field Div., notices of intention to make proof, on various forms of entry, at respective land offices in Oregon. Took afdvt. C. C. Snyder in re his H. E. 14335 Portland series.  
 903 January 11, 1908, Portland, Ore.  
 January 12, 1908, Portland, Or. (?) Hood River, Or., Portland, Or.  
 January 13, 1908, en route to Grants Pass, Grants Pass & Medford:  
 Fee to Pullman porter, \$.25. Ar. Grants Pass 12.30 p. m. Lv. Grants Pass 12.35 p. m. Ar. Medford, Or., 1.45 p. m. via S. P. R. R., fare (no R. T.), \$1.00; Pullman seat from Grants Pass to Medford, \$.25. Interviewed A. S. Bliton, U. S. Commr. in re fees. Lv. Medford 5.40 p. m. Ar. Grants Pass 6.50 p. m. via S. P. R. R., fare, \$1.00.  
 January 14, 1908, Grants Pass, Ore., Waldo, Ore. (1-16-08):  
 Lv. Grants Pass 8 a. m., ar. Waldo, Ore., 4 p. m., en route to Deering, Ore.  
 January 15, 1908, Waldo (1-16-08) & Deering, Ore.  
 January 16, 1908, Waldo & Grants Pass, Ore. Grants Pass (Jan. 17, 08).

January 17, 1908, Grants Pass, to Portland, Ore.:  
Lv. Grants Pass 10.55 a. m., ar. Portland, Or., 11.15 p. m. Under subpoena in case U. S. vs. W. W. Steiwer et al. Expenses paid by Department of Justice.

January 18, 1908, Portland, Ore.:  
Under subpoena in case U. S. v. W. W. Steiwer et al.

January 19, 1908, Portland, Ore.:  
Under subpoena in case U. S. v. W. W. Steiwer et al.

January 20, 1908, Portland, Ore.:  
Under spa. in case U. S. vs. W. W. Steiwer et al.

January 21, 1908, Portland, Ore.:  
Under spa. in U. S. vs. W. W. Steiwer et al. Received discharge from spa. at 3.30 p. m.

January 22, 1908, Portland, Ore.

January 23, 1908, Portland, Oregon:  
Assisting L. R. Glavis, Chief Field Div. No. 1, in arranging cases in The Dalles, Or., land district.

January 24, 1908, Portland, Or.:  
Assisting L. R. Glavis in arranging files of cases in The Dalles, Ore., land district. Lv. Portland, Or., 11.45 p. m. en route to Seattle, Wn., fare round trip via N. P. R. R.; see T. R. 28712 (\$11.20). Sleeper fare from Portland to Seattle, \$2.00.

January 25, 1908, Seattle, Wn.:  
Ar. Seattle 7.05 a. m. Fee to porter \$0.25. Took statements of T. F. Hallinan in re Roseburg, Oregon, land office. Lv. Seattle, Wn., 11 p. m. on return ticket, en route to Portland, Ore. Sleeper fare Seattle, Wn., to Portland, Ore., \$2.00.

January 26, 1908, Portland, Ore., en route to Roseburg (Roseburg, Ore., 1, 28, 08):  
Ar. Portland, Or., 7.05 a. m. Fee to Pullman porter \$0.25. Conferring with L. R. Glavis, Chief Field Div., in re inspection of U. S. land office at Roseburg, Ore. Lv. Portland, Ore., 11.55 p. m. en route to Roseburg, Or. Round-trip fare via S. P. R. R., see T. R. 28713 (\$12.00). Sleeper from Portland to Roseburg, Or., \$2.00.

January 27, 1908, Roseburg, Ore. (Roseburg, 1, 28, 08):  
Inspecting U. S. land office at Roseburg, Oregon.

January 28, 1908, Roseburg, Ore. (1, 29, 08).

January 29, 1908, Roseburg, Ore.:  
Inspecting U. S. land office, Roseburg, Ore.

January 30, 1908, Roseburg, Ore.:  
Inspecting U. S. land office, Roseburg, Ore.

January 31, 1908, Roseburg, Ore.

*Daily reports, February, 1908.*

[All signed "Horace Tillard Jones, special agent."]

Feb. 1st, 1908, Portland, Ore.:  
Making report on examination of U. S. land office, Roseburg, Ore.

Feb. 2nd, 1908, Portland, Ore.:  
Making report on examination of Roseburg land office.

Feb. 3rd, 1908, Portland, Ore.:  
Making report on examination of U. S. land office at Roseburg, Oregon.

Feb. 4th, 1908, Portland, Ore.:  
Feb. 5th, 1908, Portland, Ore.:  
Feb. 6th, 1908, Portland, Ore.:  
Feb. 7th, 1908, Portland-The Dalles:  
Lv. Portland, Or., 8.30 a. m. via O. R. & N. Co., fare (did not expect to return), \$2.55. To O. R. & N. Co., seat in Pullman from Portland to The Dalles. Ar. The Dalles, Ore., 11.30 a. m., \$50. At U. S. land office getting data for field trip. Paid Hudson Land Co., The Dalles, Ore., for 29 township blueprints, \$7.25.

904 Feb. 8th, 1908, The Dalles-Wasco, Ore.:  
Lv. The Dalles, Ore., 10.35 a. m., ar. Wasco, Ore., 2.30 p. m.; fare via O. R. & N. Co. (did not expect to return), 1.00. P. O. address will be Wasco until further notice.

Feb. 9th, 1908, Wasco & Rufus, Ore.

Feb. 10th, 1908, Rufus, Moro, Ore.

Feb. 11th, 1908, Moro, Ore.:  
My address for Feb. 12-13-14 & 15 will be Moro, Ore.

Feb. 12th, 1908, vicinity of Moro, Ore.

Feb. 13th, 1908, Monkland, Ore.:  
 Address Grass Valley, Ore., Feb. 16th to 19th, 1908.  
 Feb. 14th, 1908, Monkland, Ore.  
 Feb. 15th, 1908, Monkland, Ore.  
 Feb. 16th, 1908, Moro to Grass Valley, Ore.  
 Feb. 17th, 1908, Grass Valley, Ore.  
 Feb. 18th, 1908, Grass Valley, Ore.:  
 Will be at Kent, Ore., Feb. 21-22-23.  
 Feb. 19th, 1908, Grass Valley, Ore.  
 Feb. 20th, 1908, Grass Valley, Ore.  
 Feb. 21st, 1908, Grass Valley, Ore.: 2-23-08.  
 Feb. 22nd, 1908, Grass Valley, Ore.: 2-23-09.  
 Feb. 23rd, 1908, Grass Valley-(Kent, Or.: 2-25-08).  
 Feb. 24th, 1908, Kent, Ore.: 2-25-08.  
 Feb. 25th, 1908, Kent, Ore.: 2-26-08.  
 Address for Feb. 28-29-Mar. 1, Shaniko, Ore.  
 Feb. 26th, 1908, Kent, Ore.: 2-29.  
 Feb. 27th, 1908, Kent, Ore.  
 Feb. 28th, 1908, Kent, Ore.  
 Feb. 29th, 1908, Kent, Ore.

*Daily reports, March, 1908.*

[All signed "Horace Tillard Jones, special agent."]

March 1, 1908. The Dalles, Ore. Portland, Ore.  
 Lv. The Dalles, Or., 1.40 p. m., ar. Portland, Or., 5.15 p. m., via O. R. & N. Co., fare \$2.55. Conferring with Chief First Field Div. in re recent investigations of entries, made by me in February, 1908, in The Dalles, Or., land district. Transportation of baggage from depot to house, Portland, Ore., .50.  
 March 2, 1908, Portland, Ore.  
 Lv. Portland, Or., 8.15 p. m., en route to Spokane, Wash., via O. R. & N. Co. (no R. T.). Fare, T. R. 28714, \$11.20. Sleeper fare, Portland, Or., to Spokane, Wash., \$2.50.  
 March 3, 1908, en route to Spokane, Wn.  
 Ar. Spokane, Wash., 12.15 p. m. Fee to porter, 25; assisting L. R. Glavis, Chief First Field Div., on Alaska Coal Land cases.  
 March 4, 1908, Spokane, Wash., to Wallace, Ida.  
 Lv. Spokane, Wn., 9 a. m.; ar. Harrison, Ida., 11.45 a. m.; fare, via Coeur de Alene & Spokane Ry. Co., round trip, \$2.50. Parlor-car fare, from Spokane, Wash., to Coeur de Alene, Ida., .25. Lv. Harrison, Ida., 12.15 p. m.; ar. Wallace, Ida., 2.30 p. m., via O. R. & N. Co., fare (no R. T.), \$1.50. Interviewed F. F. Johnson and O. D. Jones, in re Alaska Coal Land cases. Paid Ethel A. Wragg, Wallace, Ida., for typewritten copies of statements in re Alaska Coal Fields, 12 pages, @ 50 cts., \$6.00.  
 March 5, 1908, en route Wallace, Ida., to Spokane, Wash., to Seattle, Wash.  
 Took afdvt. H. White & F. C. Moore in re Alaska Coal Land cases. Lv. Wallace, Ida., 12.15 p. m.; ar. Harrison, Ida., 2.30 p. m., via O. R. & N. Co.; fare (no R. T.), \$1.50. Lv. Harrison, Ida., 2.35 p. m.; ar. Spokane, Wash., 5 p. m., via Coeur de Alene & Spokane Ry. Co., on return ticket. Seat in parlor car, from Coeur de Alene, Ida., to Spokane, Wash., .25. Lv. Spokane, Wn., 5.15 p. m., en route to Seattle, Wash., via Gt. Nor. R. R.; fare paid by Chf. Field Div. L. R. Glavis on his transportation request. Berth in sleeper from Spokane to Seattle, Wn., \$2.50.  
 March 6, 1908, en route to Seattle, Wash.; en route to Portland, Ore.  
 Ar. Seattle, Wash., 7 a. m. Fee to Pullman porter, \$.25. Interviewed M. C. Moore & C. Cunningham & assisted at taking affidavit of C. Cunningham, in re Alaska Coal Land cases. Lv. Seattle, Wn., 10.20 p. m., en route to Portland, Or., via N. P. R. R. Fare, see T. R. 28715 (\$11.20), self & L. R. Glavis. Berths in sleeper from Seattle, Wn., to Portland, Or., \$2.00.  
 March 7, 1908, Seattle, Wash., to Portland, Oregon.  
 March 8, 1908, Portland, Oregon.  
 905 March 9, 1908, Portland, Oregon.  
 March 10, 1908, Portland, Oregon.  
 March 11, 1908, Portland, Oregon.  
 March 12, 1908, Portland, Ore.  
 March 13, 1908, Portland, Or.  
 March 14, 1908, Portland, Oregon.  
 March 15, 1908, Portland, Ore.

Sunday.

March 16, 1908, Portland, Or.

March 17, 1908, Portland, Ore.

March 18, 1908, Portland, Or.

March 19, 1908, Portland, Ore.

March 20, 1908, Portland, Ore.

March 21, 1908, Portland, Oregon.

March 22, 1908, Portland, Ore.

March 23d, 1908, Portland, Oregon.

March 24th, 1908, Portland, Ore.:

Wrote P. M. at Grass Valley, Or., in re service of spa. on Peter Peters. Wrote up and transmitted to defendant notice of motion to take oral deposition in case U. S. vs. John W. Musgrove. Checking up on service of spa. and arranging papers in hearings to be attended to by self, in April, 1908. Two registry stamps on letters to J. W. Musgrove, .16.

March 25th, 1908, Portland, Ore.

March 26th, 1908, Portland, Or.

March 27th, 1908, Portland, Or.:

Assisting L. R. Glavis in preparing records and papers in Umatilla cases for submission to U. S. attorney for Oregon. Worked on said cases at night until 10.30 p. m.

March 28th, 1908, Portland, Ore.:

Assisting Chief of First Field Div. in submitting records in Umatilla, Oregon, case of U. S. atty. for presentation to grand jury. Wrote U. S. postmasters at Olene and Lexington, Ore., respectively, in re service of subpoenas in pending hearings.

March 29, 1908, Portland, Ore. Sunday.

March 30, 1908, Portland, Ore.

March 31, 1908, Portland, Ore.

#### *Daily reports, April, 1908.*

[All signed "Horace Tillard Jones, special agent."]

April 1, 1908, Portland to Condon, Ore.:

Lv. Portland, Ore., 7.15 a. m., ar. Condon, Ore., 3 p. m., via O. R. & N. Co. (No. R. T.) (fare, \$6.00), T. R. 28716.

April 2nd, 1908, Condon, Ore.:

Will be at Condon until Apr. 4. On Apr. 5, 6, 7, 8 address will be Heppener, Ore., c/o general delivery.

April 3rd, 1908, Condon, Ore.:

Paid U. S. P. M. at Condon, Ore., for personal service of spa. on O. O. Campbell and J. B. White, respectively, in case of U. S. vs. C. S. Palmer, \$2.00. Paid U. S. P. M., The Dalles, Ore., for personal service of spa. on Edward F. Sharp in case of U. S. vs. G. T. Parr, \$1.00. Conducting hearing in case of U. S. v. J. A. Ingle before U. S. commr. at Condon, Oregon.

April 4, 1908, Condon, Ore.:

Paid Western Union Telegraph Co. for message to receiver land office, The Dalles, \$.40. Paid W. U. T. Co. for message to U. S. commr. at Heppener, Ore., .40. Paid W. U. T. Co. for message from U. S. commr. at Heppener, Ore., .20. Conducting hearing before U. S. commr. at Condon, Ore., in case of U. S. v. L. C. Bowman, H. E. 8979, from 10 a. m. to 9 p. m. Will be at Heppener, Ore., April 6, 7, & 8; at Moro, Ore., 10 & 11.

April 5, 1908, Condon, Ore. Sunday:

Estimating cost of testimony and witness fees in case of U. S. vs. L. C. Bowman (née Berry), tried on 4th inst.

April 6, 1908, Condon, Ore., to Heppener, Ore.:

Lv. Condon, Or., 7.45 a. m., ar. Heppener, Or., 4.15 p. m., via O. R. & N. Co.; fare (no R. T.), \$3.45. Paid U. S. postmaster at Clem, Or., for making personal service of spa. on C. Wilkins & W. S. Jost in case of U. S. vs. G. C. Leonard, 2.00. Made personal service of spa. on J. C. Emrick, at Arlington, Ore., in U. S. v. G. C. Leonard. Conducting hearing before U. S. com. at Heppener, Ore., in case of U. S. v. J. W. Musgrave, from 4.20 to 6.30 p. m.

906 April 7, 1908, Heppener, Ore.:

Completed hearing in case of U. S. v. J. W. Musgrave at 12.30 p. m. Conducted hearing in U. S. vs. Edward Ball from 1.30 p. m. to 5.30 p. m. and completed same.

April 8, 1908, Heppener, Ore.:

Conducted hearing in case of U. S. vs. H. H. Gove before U. S. commr. at Heppener, Oregon, begun at 10 a. m. and completed at 6 p. m. Will be at Moro, Or., Apr. 10 & 11; at The Dalles April 12 and 13, and at Portland April 13 at about 5 or 8 o'clock p. m.

April 9, 1908, Heppener, Or., to Moro, Or.:

Lv. Heppener, 7.45 a. m., ar. Moro, Or., 2.25 p. m. via O. R. & N. Ry.; fare, \$3.75. Conferring with county clerk at Moro, Or., in re hearings to be held before him on 10 & 11 instants. Paid Pacific States Telephone & Telegraph Co. for phone message to U. S. land office at The Dalles, Or., .45. Will be at The Dalles, Or., on Sunday, Apr. 12 & 13.

April 10, 1908, Moro, Ore.:

Attending hearing in case of U. S. v. James H. Zumwalt. Paid Mrs. Kate Adlard, Ajax, Or., for make personal service of subpoena, 1.00. Paid Pacific States Tel. & Tel. Co. for phone message to U. S. marshal at Portland, Ore., .50.

April 11th, 1908, Moro, Oregon:

Conducting hearing in case of U. S. v. W. W. Hawley, H. E. 7096. Begun at 10 a. m. & completed at 9 p. m.

April 12th, 1908, Moro, Ore.:

Lv. Moro, Or., 9.10 a. m., ar. The Dalles, Or., 1 p. m.; fare via O. R. & N. Co., 1.70. Consulting with contest clerk at The Dalles land office concerning hearing in U. S. vs. E. F. Sharp set for 13th inst. Will be in Portland at about 8.40 p. m., April 13th, 1908.

April 13th, 1908, The Dalles, Oregon:

Conducting hearing in case of U. S. vs. E. F. Sharp. Lv. The Dalles, Or., at 5.30 p. m., ar. Portland, Or., 8.50 p. m., via O. R. & N. Co.; round trip fare (return ticket turned over to H. F. Higby, Spl. Agt.), \$4.00. Seat in buffet car, The Dalles, Or., to Portland, Or., .50. Telephone message to L. R. Glavis, Chief First Field Div., via Pacific States Tel. & Tel. Co., .45.

April 14th, 1908, Portland, Ore.:

Conferring with Chief Field Div. in re hearings in The Dalles, Or., land district. Looking up statutes of Oregon under which fees in hearings are paid.

April 15th, 1908, Portland, Ore.:

Wrote H. S. McDanel in re payment of fees in land hearings. Turned over balance of hearings set for April in The Dalles, Or., land district to H. F. Higby, Spl. Agt., G. L. O. Lv. Portland, Or., 11.45 p. m., en route to Seattle, Wash., via N. P. R. R.; berth, 2.00. Fare, T. R. 28717, \$5.60.

April 16th, 1908, Seattle, Wash.:

Ar. Seattle, Wash., 7.05 a. m. Fee to Pullman porter, .25. Street-car fare, depot to hotel at Seattle, .05. Paid U. S. P. M. at Clem., Or., for personal service of spa. on James Larch & C. A. Danneman in U. S. vs. L. C. Berry, 2.00. Interviewed H. J. Singleton in re "Hunt Group" of Alaska coal entries. Interviewed J. B. McDougall in re his D. S. #131. Called on James & John Campbell and E. C. Burke in re Alaska coal lands, but could not find them. Wrote L. R. Glavis inclosing list of California & Oregon claimants for Alaska coal lands. Wrote down, in form of certificate, result of interview with J. B. MacDougall.

April 17th, 1908, Seattle, Wash.:

Took afdvt. F. R. Singleton in re Alaska Petroleum & Coal Co. Had typewritten certified copies made of article concerning said co. Paid Katharine Dalton for said copies & certificate, \$3.00. Two street car fares in Seattle, Wash., .10.

April 18th, 1908, Seattle, Wash.:

Took affidavits of James & John Campbell, Udo Hesse, and E. J. Rathbone in re Alaska coal entries. Two street car fares in Seattle, .10. Called on M. A. Green, C. F. Munday, Mrs. J. M. Frink, and M. F. Wight in re Alaska coal entries, but said parties were not in.

April 19th, 1908, Seattle, Wash. Sunday.

April 20th, 1908, Seattle, Wash.:

Took affidavits of C. F. Munday, J. L. McPherson, J. M. Frink, C. W. Davis, and M. F. Wight in re Alaska coal land interests.

April 21st, 1908, Seattle, Wash.:

Conferring with U. S. attorney in re coal filings made in interest of Christopher, Simmonds, et al. Interviewed (with L. R. Glavis) H. R. Harriman and Clark Davis in re Alaska Petroleum and Coal Co.

April 22nd, 1908, Seattle, Wash.:

Took afdvts. of J. L. Moseley & C. J. Munger, and interviewed J. M. Frink, in re Alaska Petroleum & Coal Co. Submitted affidavits with letter of transmittal 907 and had conference relating to same with E. E. Todd, U. S. attorney at Seattle, Wash., in re criminal prosecution of C. Christopher and others for frauds in Alaska coal lands. Two street-car fares in Seattle, \$0.10.

April 23rd, 1908, Seattle, Wash.:

Eight street-car fares in Seattle, Wash., \$0.40. Telegram to United States postmaster, North Yakima, Wn., \$0.25. Telegram from United States postmaster, North

Yakima, Wn., \$0.20. Interviewed J. R. Young & E. C. Burke & took afdvt. James & John Campbell, interviewed Miss Ada McCarthy, looked through papers in seven suits, all in relation to Alaska Petroleum & Coal Co. Interviewed Mrs. R. G. Bowman, formerly Miss Irene Kennedy, in re A. P. & C. Co. Spokane, Wash., c/o Pennington Hotel, will be address for week following.

April 24th, 1908, Seattle, Wash., North Yakima, Wash.:

Bus hire from hotel to depot, at Seattle, self & baggage, \$0.50. Lv. Seattle, Wn., 8.15 a. m., ar. North Yakima, Wn., 2.45 p. m. Seat in Pullman from Auburn, Wn., to North Yakima, Wn., \$0.75. Lv. North Yakima, Wn., 10.05 p. m. en route to Spokane, Wn., berth in sleeper, \$2.00.

April 25th, 1908, en route to Spokane, Wash.:

Ar. Spokane, Wash., 8.30 a. m. Fee to porter, \$0.25. Baggage from depot to hotel \$0.25. Took afdvt. of G. W. Boyd & S. J. Martin and interviewed A. Anderson, F. Jacobs, & K. Tethron in re coal claims in Alaska. Getting street addresses of thirty-five coal-land claimants living in Spokane, Wash.

April 26, 1908, Spokane, Wash. Sunday.

Special Agent Stoner and self interviewed G. H. Collin in re his coal claim in Alaska. Wrote out and certified to statements made by him. Took afdvt. of F. Jacobs and A. Anderson in re their coal claims in Alaska. Telegram to A. Kennedy at Seattle, Wash., \$0.20.

April 27, 1908, Spokane, Wash.:

Interviewed (and certified as to result) J. E. Griffith. Took afdvt. of G. H. Collin, G. H. Muller, and R. E. M. Strickland; called on A. J. Moore, W. L. Dunn, A. J., C. D., and J. E. Oehler; none at home. Interviewed M. Wolferman and wrote out statement, which he will sign to-morrow. All in relation to coal claims in Alaska. Six street-car fares in Spokane, Wash., \$0.30.

April 28, 1908, Spokane, Wash.:

Five street-car fares in Spokane, Wash., \$0.25. Took afdvt. of M. Wolferman, G. Wolferman, E. J. Bing, L. Peterson, C. A. Luding, R. Brown, and W. L. Dunn. Interviewed F. Spangler and A. J. Oehler. Certified with Spl. Agt. S. N. Stoner as to interview with R. Brown and W. L. Dunn as to numerous parties located by them. All in relation to coal land in Alaska. Telegram to postmaster at Rossland, B. C., \$0.80.

April 29, 1908, Spokane, Wash.:

Assisted Spl. Agt. S. N. Stoner in taking afdvt. F. A. Evans. Took afdvt. A. J. Oehler in re his own and C. J. and J. E. Oehler's coal lands in Alaska. Consulted with U. S. Atty. at Spokane, Wash., in re criminal prosecution of C. H. Doughten et al. for coal-land frauds in Alaska. Two street-car fares in Spokane, Wash., \$0.10. Bus hire from hotel to O. R. & N. depot in Spokane, Wash., \$0.50. Berth in Pullman from Spokane, Wash., to Portland, Oreg., \$2.50. Lv. Spokane, Wash., 4 p. m., en route to Portland, Oreg., T. R. 28719 (\$22.40). Spl. Agt. S. N. Stoner traveling on said T. R. 28719 with me.

April 30, 1908, en route to Portland, Or.:

Ar. Portland 8 a. m. Fee to Pullman porter, \$0.25. Conferring with Chief 1st Field Div. on Alaska cases. Made out monthly expense account for April. Arranging with atty. for defense for taking of testimony of J. H. Lutz in U. S. vs. R. E. Collins.

### *Daily reports, May, 1908.*

[All signed "Horace Tillard Jones, special agent."]

May 1st, 1908, Portland, Ore.:

Attended taking of testimony of J. H. Lutz in hearing of U. S. vs. R. E. Collins.

May 2, 1908, Portland, Oregon:

Made typewritten copies of afdvts. of H. T. Jones, S. N. Stoner, M. J. Kalez, W. F. Boettcher, A. J. Oehler, M. L. Masterson, A. B. Simmonds, and list of 93 names, all in re Alaska coal lands. Worked on above matters until 9 o'clock p. m.

May 3, 1908, Portland, Oregon.

May 4, 1908, Portland, Ore., to Aberdeen, Washington:

Lv. Portland, Or., 8.30 a. m. via N. P. R. R., round trip fare, on T. R. 28720, \$8.90, ar. Aberdeen, Wash., 2.30 p. m. Seat in parlor car from Portland, Or., to 908 Centralia, Wash., .50.

May 5, 1908, Aberdeen, Wash., to Portland, Ore.:

Lv. Aberdeen, Wash., 8.45 a. m. on return ticket, via N. P. R. R., ar. Portland, Or., 4.15 p. m. Seat in parlor car from Aberdeen, Wash., to Gates, Wash., .25; seat in parlor car from Centralia, Wash., to Portland, Or., .50. Conferring with L. R. Glavis, Chief First Field Div. on result of interview with J. C. Hogan, of Aberdeen, Wash. Assisting Special Agent C. O. Pollard with account of appropriations for hearings in land entries. Fee to car porter from Centralia, Wash., to Portland, Ore., .25.



May 6, 1908, Portland, Ore.:  
 Instructing Special Agent H. R. Barton in re Siletz homestead hearings. Wrote G. L. O. in re suspended item of \$7.25 in February account.

May 7, 1908, Portland, Or.:  
 Arranging affidavits taken in Alaska coal cases for filing.

May 8, 1908, Portland, Ore.:  
 Arranging affidavits taken in Alaska coal cases for filing.

May 9, 1908, Portland, Ore.:  
 Setting hearings and estimating expenses in HE. 14149 A. E. Crouch, 14200 E. Taylor, 10582 W. Jorgenson, 10173 J. A. Phelps, all in Roseburg, Ore., land district.

May 10, 1908, Portland, Oregon, Sunday:  
 Set hearings & estimated expenses in re U. E. 599 A. B. C. Eggerth, U. E. 298, H. M. La Dow, U. E. 610 A. Gard, U. E. 691 L. McDonald, U. E. 717 E. Wright, T. & S. 5210 J. H. Parker, all in La Grande, Ore., land district. HE. 2321 T. R. Norris, Lakeview, Or., land district. HE. 10520 S. A. Scott, HE. 9686 J. W. Dixon, HE. 13987 J. E. Colvin, all in The Dalles, Or., land district.

May 11, 1908, Portland, Ore.:  
 Setting dates for hearings and estimating expenses of same in re HE8922, B. E. Selleck-9499, D. Sargent-11684, H. A. Wheeler-10632, A. A. Black-T&S 8227, A. W. Parrish, all in Roseburg, Ore., land district. Made index cards for two hundred cases to be transmitted to G. L. O. Worked until 10 o'clock p. m.

May 12, 1908, Portland, Ore.:  
 Assisting chief Field Division No. 1 in preparing papers for transmittal to G. L. O. Conferring with U. S. attorney for Oregon, on Umatilla cases.

May 13, 1908, Portland, Ore.:  
 Wrote letter for chief field div. to H. R. Barton, spl. agt. G. L. O., in re Umatilla cases. Assisting chief field div. in transmittal of certain records to G. L. O. Arranging original files of Juneau, Alaska, land office in re Alaska coal cases according to their respective groups. Worked until 10 p. m.

May 14, 1908, Portland, Ore.:  
 Typewriting data for abstract of lands in Portland and Roseburg land districts subject to suits to set aside patent. Arranging Alaska coal land filing papers according to the respective groups to which they belong. Worked until 10.30 o'clock p. m.

May 15, 1908, Portland, Oregon:  
 Typewriting abstracts to lands in Portland and Roseburg, Oregon, land districts for which suit to set aside patent is to be instituted. Lv. Portland, Or., 11.45 p. m., en route to Seattle, Wash., via N. P. R. R., TR. 33211 (\$11.20) round trip ticket. Berth in sleeper, Portland, Or., to Seattle, Wn., \$2.00.

May 16, 1908, Seattle, Wash.:  
 Ar. Seattle, Wn., 7.30 a. m. Fee to porter, \$0.25. Conferring with U. S. Attorney for Washington, in re Christopher-Simmonds Alaska land frauds. Interviewed E. H. Kohlhaase in re alleged frauds in Alaska. Telephone message to J. C. Hogan at Aberdeen, Wn., from Seattle, Wn., \$0.80; street-car fare in Seattle, Wn., \$0.15.

May 17, 1908, Seattle, Wash.:  
 Conferring with U. S. Attorney at Seattle, Wash., in re Alaska cases. Street-car fares in Seattle, Wn., \$0.10. Lv. Seattle, Wash., 10.20 p. m. via N. P. R. R. on return ticket. Berth in sleeper from Seattle, Wn., to Portland, Or., \$2.00.

May 18, 1908, Portland, Or.:  
 Copying abstracts of lands on which suit to cancel patent is to be brought. Copied list of taxes on said lands, from 1901 to 1907. Worked until 10 p. m.

May 19, 1908, Portland, Or.:  
 Acknowledged receipt of copies of letters.

May 20, 1908, Portland, Or.:  
 Lv. Portland, Or., 2 p. m.; ar. Oregon City, Or., 2.40 p. m. via O. W. P. & Ry. Co.; fare, round trip, \$0.45. Lv. Oregon City 3.08 p. m.; ar. Portland, Or., 3.48 p. m., on return ticket.

May 21, 1908, Portland, Ore.:  
 Lv. Portland, Ore., 8.15 a. m.; ar. Lebanon, Ore., 2.35 p. m., via S. P. R. R., as per T. R. 33212; fare, round trip (\$5.50). Seat in Pullman car from Portland, Ore., to Albany, Ore., .50.

909 May 22, 1908, Lebanon, Ore.:  
 Lv. Lebanon, Ore., 7.30 a. m.; ar. Foster 12 m.

May 23, 1908, Foster, Ore.:  
 Made field examination of homestead entries.

May 24, 1908, Foster, Ore.:  
 Paid Mrs. S. Thomas, Foster, Ore., for feed for horses, 4.50; to A. J. Nicholls, Foster, Ore., services as guide, 9.00; to F. W. Seeck, Lebanon, Ore., for team hire, 9.00;

to Pacific States Telephone and Telegraph Co., 'phone message to L. R. Glavis, at Portland, Ore., .50; to P. S. T. & T. Co., 'phone message to A. J. Nicholls, Foster, Ore., .15. Lv. Foster, Ore., 2 p. m.; ar. Lebanon, Ore., 5 p. m.

May 25, 1908, Lebanon, Ore.:

Lv. Lebanon, Ore., 6.45 a. m.; ar. Portland, Ore., 5.30 p. m. via S. P. R. R.; fare, see return ticket on TR 33212. Stopped off at Albany, Oregon.

May 26, 1908, Portland, Ore.:

Conferring with chief field div. No. 1. Wrote report on said fraud cases to chief field div. No. 1.

May 27, 1908, Portland, Ore., to Moclips, Washington:

Lv. Portland, Ore., 8.30 a. m., ar. Moclips, Wash., 5 p. m., via N. P. R. R. See T. R. 33213 for round-trip ticket (fare \$10.80). Seat in parlor car from Portland, Ore., to Centralia, Wash., .50; seat in parlor car from Gate, Washington, to Aberdeen, Wash., .25.

May 28, 1908, Moclips, Wash., Portland, Ore.:

Lv. Moclips, Wash., 6.55 a. m., ar. Portland, Ore., 4.15 p. m. via N. P. R. R., on return ticket per T. R. 33213. Seat in parlor car from Aberdeen, Wash., to Gate, Wash., .25.

May 29, 1908, Portland, Oregon:

Wrote J. Gavin, The Dalles, Or., acknowledging service of notice of appeal in case of U. S. vs. H. H. Gove, The Dalles land district.

May 30, 1908, Portland, Oregon, Decoration Day.

May 31, 1908, Portland, Oregon, Sunday.

### *Daily reports, June, 1908.*

[All signed "Horace Tillard Jones, special agent."]

June 1st, 1908, Portland, Ore.:

Conferring with U. S. attorney for Oregon regarding indictments to be brought in cases of Claude Rigdon et al. Under spa. to appear before Oregon grand jury on 4th inst.

June 2, 1908, Portland, Or.:

Conferring with U. S. attorney for Oregon regarding indictments to be brought in cases of James H. Parker et al. Under spa. to appear before grand jury on 4th inst.

June 3, 1908, Portland, Ore.:

Conferring with U. S. attorney in re cases to be presented before grand jury. Under spa. to appear before grand jury on 4th inst.

June 4, 1908, Portland, Ore.:

At U. S. land office getting data in regard to disbarment proceedings against A. W. Lafferty on new matters. Under spa. to appear before grand jury. Proceedings before grand jury postponed to June 8th, 1908.

June 5, 1908, Portland, Or.:

At U. S. land office getting additional evidence against J. W. Draper for supplemental charges in re disbarment proceedings. Under spa. to appear before grand jury.

June 6, 1908, Portland, Ore.:

Took affidavit of W. H. Bradford & George Finley, of Portland, Ore., in re J. W. Draper. Interviewed J. M. Gearin, Portland, Or., in re said Draper. Made letter report to G. L. O. in re supplemental charges against J. W. Draper. Under spa. to appear before grand jury.

June 7, 1908, Portland, Ore.—Sunday.

June 8th, 1908, Portland, Ore.:

Wrote R. & R. Roseburg, Or., in re T. & S. applications of Louis Steinbach. Appeared as witness before grand jury in U. S. vs. Dick Reckmann for fencing Govt. land in Tp. 3 S., R. 15 E., U. M., The Dalles land dist.

June 9th, 1908, Portland, Ore.:

Investigating writing of anonymous letter to Wm. F. Lewis, Panther, Ore., in re his H. E. Interviewed W. B. Stembler, H. J. Morrison, & A. W. Maloney in re said letter.

910 June 10th, 1908, Portland, Ore.:

Interviewed C. R. Hotchkiss, W. F. Stewart, and J. E. Hedges, all of Portland, Ore., in re A. W. Long, clerk of The Dalles, Ore., land office. Took advt. of said Hotchkiss and Stewart in re same. At U. S. attorney's office to assist in presenting cases of C. Rigdon & J. H. Parker, for perjury, to grand jury.

June 11th, 1908, Portland, Ore.:

Took advt. J. E. Hedges, of Portland, Ore., in re clerk A. W. Long of The Dalles, Or., land office. Took advt. of S. A. D. Puter and interviewed H. G. McKinley

in re fraudulent T. & S. & H. E. of Robert Simpson et al., Portland & Roseburg, Or., land districts.

June 12th, 1908, Portland, Ore.:

Interview F. Haines, Al. Goetjen, C. McCutcheon, J. F. Clark, & E. A. Hoekinson, in re perjury case vs. C. Rigdon, as witnesses before grand jury. Interviewed F. Wunder & R. Dieckmann in re perjury case vs. J. H. Parker, as witnesses before grand jury.

June 13th, 1908, Portland to Roseburg, Ore.:

Lv. Portland, Or., 1.30 a. m.; ar. Roseburg, Or., 9 a. m. Fee to Pullman porter, \$.25; via S. P. R. R. (fare \$12.00 for self & spl. agt. C. McGuire), T. R. 33214. Berth in sleeper from Portland, Or., to Roseburg, Or., \$2.00. Interviewed S. W. Turnell, Roseburg, Or., in re his T. S. 9559. Interviewed M. R. Parks, Roseburg, Or., in re alleged frauds in Tp. 27 S., R. 2 W. Getting status of entries in Roseburg, Or., land district for field investigation. Send mail to Roseburg, Or., until further notice.

June 14th, 1908, Roseburg, Or.:

At U. S. land office getting status of entries for field investigation.

June 15th, 1908, Roseburg, Riddle, Or.:

Will be at Riddle, Or., June 16, 17, 18, 19.

June 16th, 1908, Riddle, Perdue, Or.:

Lv. Riddle 7 a. m.; ar. Perdue 12 m. Fare (No. R. T.) via Riddle & Purdue, stage line, Riddle, Or., \$1.50.

June 17th, 1908, Perdue, Or., Tiller, Or.:

Next P. O. address will be Roseburg, Or.

June 18th, 1908, Tiller, Or.:

Assisted Spl. Agt. McGuire in examining into bona fides of application of F. L. George for survey of sec. 35, Tp. 29 S., R. 1 W. Took advt. of W. P. Graham and interviewed E. Putnam and W. A. Bullock, all of Tiller, Or., in relation thereto. Send mail to Roseburg, Ore.

June 19th, 1908, Tiller, Riddle, Roseburg, Oregon.:

Walked from Tiller, Or., to Perdue, Or. Paid Drew & Perdue stage line for transporting baggage from Tiller, Or., to Perdue, Or., \$.25. Lv. Riddle, Or., 10.04 p. m.; ar. Roseburg, Or., 11.20 p. m. via S. P. R. R.; fare, \$.90.

June 20th, 1908, Roseburg, Ore.:

At county court-house searching records for conveyances & assessments of lands mentioned in letter "P" G. R. 172502 et al. to L. R. Glavis, dated Apr. 6, 1908, and for conveyances to Gardiner Mill Co.

June 21st, 1908, Roseburg, Or.

June 22, 1908, Roseburg—Myrtle Creek—Roseburg:

Lv. Roseburg 9 a. m., ar. Myrtle Creek 10 a. m. via S. P. R. R., fare .70. Bus fare, round trip, .50. Lv. Myrtle Creek 10 p. m., ar. Roseburg 11 a. m. via S. P. R. R., fare (no R. T.), .70. Seat in Pullman car from Myrtle Creek, Or., to Roseburg, Or., .25. Will be at Roseburg, June 24; Oakland, 25; Eugene, 26; Portland, 27.

June 23, 1908, Roseburg, Ore.:

At U. S. land office copying part of plat of Township 24 S., R. 7 W., for use in field investigation. Getting list of additional names of Minnesota parties mentioned in letter "P" 172502 et al., of Apr. 6, 1908, to L. R. Glavis. At county court-house searching records for conveyances and assessments in re U. S. Nichols et al.

June 24, 1908, Roseburg—Olalla and return.

June 25, 1908, Roseburg—Oakland, Ore.:

Lv. Roseburg, Or., 8.45 a. m. en route to Portland, Or., T. R. 33215; stopped off at Oakland, Or., at 9.22 a. m., lv. Oakland 10 a. m. Paid J. T. Davisson for ferriage across Umpqua River near Kellogg, Or., \$1.00. Team hire, \$4.75. Ar. Oakland, Or., 7 p. m.

June 26, 1908, Oakland to Portland, Ore.:

Lv. Oakland, Ore., 9.22 a. m., ar. Portland, Ore., 5.30 p. m. via S. P. R. R., fare T. R. 33215 (\$6.00). Transporting baggage from depot to house at Portland, Ore., 25.

June 27, 1908, Portland, Ore.:

Made letter report recommending further examination of T. T. in sec. 30, Tp. 29 S., R. 3 W., Roseburg land district. Wrote assessor and county clerk, Douglas 911 Co., Ore., in re transfers in Tp. 24 S., R. 8 W., Roseburg land district. Took advt. C. Olsen and S. Locke in re frauds of J. C. Burke in Portland, Ore., land district. Interviewed Mrs. K. M. Downing in re Siletz entries. Went to see C. R. Hart, Portland, Ore., in re T. T. in sec. 30, Tp. 29 S., R. 3 W.; he was out of town.

June 28, 1908, Portland, Ore.

June 29, 1908, Portland, Oregon:

Presented case vs. J. C. Burke for action under amended sec. 4746, R. S. U. S., to U. S. atty.

June 30, 1908, Portland, Oregon:

Made out expense account for June, 1908. Made favorable report on alleged T. T. of O. D. Agen. Made favorable report on H. E. 12323 of E. P. Bagshaw, all in Roseburg, Oregon, land district. At office of U. S. attorney looking for papers in connection with timber and stone entries made in interest of A. R. Downs, and conferring with asst. U. S. atty. concerning proceedings against one J. C. Burke et al.

PORTLAND, OREGON, *June 8th, 1908.*

HONORABLE COMMISSIONER GENERAL LAND OFFICE,  
*Washington, D. C.*

SIR: Inclosed herewith please find subpoena issued out of the district court of the United States for the district of Oregon for my appearance before the grand jury for the said district on June 4th, 1908.

This subpoena was served upon me on May 25th, 1908, and since that date I have had to be in Portland in order to appear at the date named in the same. I appeared before the said jury to-day at 1 p. m. and was engaged about half an hour with the said jury.

I make the above explanation in order to account to your office for my long stay in office when I should have been in the field.

Very respectfully,

HORACE TILLARD JONES,  
*Special Agent, G. L. O.*

In the district court of the United States for the district of Oregon.

UNITED STATES OF AMERICA, *District of Oregon, ss:*

The President of the United States of America to Horace Tillard Jones, greeting:

You are hereby commanded to be and appear in the district court of the United States for the district of Oregon, at Portland, in said district, on Thursday the 4th day of June, 1908, at 9 o'clock a. m., then and there to testify on behalf of the United States, and not to depart the court without leave thereof or of the district attorney.. And hereof fail not.

Witness the Hon. Charles E. Wolverton, judge of said court, and the seal thereof affixed on this 25th day of May, 1908.

A. M. CANNON, *Clerk.*

[Seal of U. S. district court, district of Oregon.]

*Daily reports, July, 1908.*

[All signed "Horace Tillard Jones, special agent."]

July 1st, 1908, Portland, Oregon:

Wrote T. B. Neuhausen, Spl. Insp. Intr. Dept., for papers in re U. S. vs. A. R. Downs et al. At U. S. Land Office, Portland, Ore., getting sworn statements of T. & S. claimants, located fraudulently by J. C. Burke and O. M. Stafford. Interviewed E. DeLonay, P. Park, C. Larsen, and S. D. Locke in re J. C. Burke and O. M. Stafford. At U. S. attorney's office, assisting in preparation of information vs. J. C. Burke and O. M. Stafford.

July 2nd, 1908, Portland to Albany, Albany to Portland, Oregon:

Lv. Portland 8.15 a. m.; ar. Albany 12.15 p. m., via S. P. R. R.; fare, round trip, \$4.90, T. R. 1513. At county clerk's office verifying abstracts of title to T. & S. claims of J. H. Steingrandt and G. Collins for U. S. atty. in suits to set aside patent. Lv. Albany 8.18 p. m.; ar. Portland, Ore., 11.15 p. m., via S. P. R. R., on return ticket. Seat in Pullman, Albany to Portland, .50.

July 3rd, 1908, Portland, Ore.:

Wrote P. F. Smith, spl. agt., Seattle, Wash., requesting 4-480 reports blanks. Wrote R. & R., Roseburg, Ore., transmitting relinquishment of T. & S., C. E. 9326, H. W. Singleton. Copying six page affidavit of J. W. Gardner to be used in 4-480 reports on T. & S., C. E. 9559, S. W. Turnell and five others in Roseburg land district. Assisting U. S. atty. in preparing information for arrest of Burke and Stafford for fraudulent locations of T. & S. claims.

912 July 4, 1908, Portland, Ore., Independence Day.

July 5, 1908, Portland, Ore., Sunday.

July 6, 1908, Portland, Ore.:

Consulting with U. S. atty. for Oregon, in re suits to set aside patent in Hyde & Benson case. Making copies of affidavit of G. Bateman et al for 4-480 reports on T. & S. entries of L. W. Turnell and five others, Roseburg, Ore., land district.

July 7, 1908, Portland, Ore.:

Making letter report on entries in Lakeview land district known as "Dorgan & Devine" entries. Took advt. F. Wodth, in re T. & S. entry of E. Billings. Prepared stipulation in case of U. S. *vs.* C. W. & A. E. Anderson coal lands, in Roseburg land district, for extension of time for taking depositions of A. W. Belden et al. Telegraphed G. L. O. for permission to use \$50 for auto hire in case of U. S. *vs.* J. C. Burke et al.

July 8, 1908, Portland, Ore.:

Consulting with T. B. Neuhausen in re Dorgan & Devine entries in Lakeview land district. Preparing letter report in re said entries. Interviewing Henry Huick in re J. C. Burke matter.

July 9, 1908, Portland, Ore.:

Lv. Portland, 6 a. m. in company with H. Huick, E. Delonay, C. Olsen, and S. N. Stoner. Made field exam. of witness, trees, and corner stone to sec. 16-17, 20 and 21 of Tp. 5 S., R. 4 E., for use in case of U. S. *vs.* J. C. Burke et al. Interviewed Ed. Spulak, Colton, Ore., in re said Burke matter. Auto hire for above trip, \$48.000.

July 10, 1908, Portland, Ore.:

Interviewed Mrs. Afton Drake in re contest *vs.* H. E. of H. D. Drake in La Grande L. D.

July 11, 1908, Portland, Or.:

Copying affidavits for 4-480 report on T. & S. entries of S. W. Turnell et al., Roseburg land district.

July 12, 1908 (Sunday:), Portland, Ore.:

Lv. Portland 6 p. m., via O. R. & N. Co., en route to Baker City, Or.; round trip fare, \$21.30. T. R. 1514. Sleeper fare, \$2.50.

July 13, 1908, Portland, Ore., Baker City, Or.:

Ar. Baker City, Or., 9.10 a. m., fee to porter, .25. Had three interviews with H. F. Beardsley et al. in re frauds of H. E. G. Cooke. Telegram to L. R. Glavis, Portland, Or., .30; telegram from L. R. Glavis, Portland, Or., .40; telegram to L. R. Glavis, Portland, Or., .32. Bus hire from depot to hotel at Baker City (round trip), .25. Confering with Sheriff Rand & U. S. Commr. Moore at Baker City in re holding of witness *vs.* H. E. G. Cooke until hearing.

July 14, 1908, Baker City, Ore.:

Confering with Sheriff Rand & U. S. Com. Moore at Baker City, Ore., in re H. E. G. Cooke. Interviewed W. T. Ferguson et al. in re Cooke frauds. Took advt. H. E. Beardsley et al. in re said Cooke frauds. Interviewed F. H. Smith, of Baker City, Ore., in re Cooke frauds.

July 15, 1908, Baker City to John Day, Ore.:

Lv. Baker City, Or., 9.30 a. m., ar. John Day, Ore., 8.30 p. m.; fare, via S. V. R. R., from Baker City to Austin, Or. (arriving at Austin, 12.30 p. m.), \$2.50; fare, via Blue Mountain Rapid Transit Stage Co., from Austin to John Day, Or. (leaving Austin at 2 p. m.), did not expect to return in 10 days, \$4.00. Interviewed R. Dieckmann in re case of U. S. *v.* J. H. Parker.

July 16, 1908, John Day, Ore.:

Made field investigation, with Spl. Agt. R. P. Cowgill and J. A. Shields, liveryman, of land in Tp. 11 S., R. 29 E., where New York parties were shown by H. E. G. Cooke as the place where they were to locate on timber lands in La Grande, Ore., land district.

July 17, 1908, John Day, Ore.:

Returned to John Day, Ore., from field exam. of Tp. 11 S., R. 29 E. P. O. address for July 18-19-20-21 will be John Day, Ore.

July 18, 1908, Mt. Vernon, Ore.:

Drove from John Day, Ore., to Mt. Vernon, Ore. Made field examination of T. & S. 0120 W. D. Hess, 0132 F. H. Corran, and 0127 M. Rosenberg, La Grande, Or., land district, in re the H. E. Cooke locations, with R. P. Cowgill.

July 19, 1908, Mt. Vernon, Ore.:

Drove from Mt. Vernon to the ranch of W. Cummings. Interviewed said Cummings concerning the location of the government survey marks to Tp. 12 S., R. 28 E., with R. P. Cowgill.

July 20, 1908, Cummings's Ranch, Mt. Vernon, Ore.:

Made field examination of lands in townships 12 S., Ranges 27 and 28 E., W. M., the La Grande, Ore., land district located by party under H. E. G. Cooke.

913 July 21, 1908, Cummings's Ranch, Mt. Vernon, Ore.:

Drove to Austin, Oregon, with R. P. Cowgill, en route to Baker City, Ore. Left Cummings's ranch at 7.30 a. m.

July 22, 1908, Austin, Baker City, Or., Portland, Ore.:

Lv. Austin, Or., 2.30 p. m., via S. V. R. R.; fare, \$2.50. Ar. Baker City, 5.30 p. m. Interviewed S. F. and S. D. Patten, at Austin, Ore., in re alleged fraudulent locations

y L. G. DeWolf, in Burns land district. Interviewed O. J. Wissler, J. E. Benjamin, and M. J. Hitchcock, at Baker City, Or., in re Cooke locations. Bus hire, round trip, from depot to hotel at Baker City, \$0.25; sleeper fare from Baker City to Portland, Or., \$2.50. Lv. Baker City, Or., 8.10 p. m.

July 23, 1908, Portland, Or.:

Ar. Portland, Or., 10 a. m.; fee to Pullman porter, \$0.25.

Telegraphed R. P. Cowgill, Baker City, Ore., to come in and assist in making report on Cooke matter to G. L. O. At office of clk. U. S. court looking over indictments and getting local status of H. E. G. Cooke.

July 24, 1908, Portland, Or.:

At office of U. S. atty. looking over personal papers, diary, etc., of H. E. G. Cooke with Special Agent Cowgill. Made letter report to G. L. O. on status of criminal cases *vs. F. P. Mays et al.* (letter "A" atty., filed 28, 35, 37, & 53). Made letter report to G. L. O. on criminal case *vs. J. C. Burke and O. M. Stafford*. Made favorable report to chief field div. 1 on T. & S. entries of C. E. Rider et al., Roseburg L. D.

July 25, 1908, Portland, Ore.:

Interviewed D. W. Reardon, C. O. Rogers, and G. Hofstrand in re contests *vs. H. E. 14369 J. Stanke, 14397 A. R. Lawton, & 14392 C. V. Hare*, Portland land district. Preparing letter report to G. L. O. in re H. E. G. Cooke matter. Interviewed E. F. Cannon in re said Cooke matter.

July 26, 1908 (Sunday), Portland, Ore.:

Preparing letter report to G. L. O. on Cooke matter.

July 27, 1908, Portland, Ore.:

Interviewed S. W. Purdy in re his suspended T. & S. entry in Tp. 35 S., R. 12 W. Completed and mailed report to G. L. O. on Cooke matter. Sent copy of same to U. S. atty. at New York. Notified U. S. attorney at New York of mailing of report.

July 28, 1908, Portland, Ore.:

Wrote to Miss A. Crandall, Hagerman, Ida., in re H. E. G. Cooke. Wrote to assessors of Harney, Baker, and Grant counties, Ore., and to Miss A. Ehrgood in re H. E. G. Cooke. Took afdt. C. Van Alstine in re alleged frauds in Alaska. Interviewed C. E. Wellwood in re his H. E. in Siletz Reservation. Wrote H. F. and J. B. Rader, Kellogg, Ore., in re H. E. 10418, Portland series, O. Shipley. Made copy afdt. W. H. Singleton in re his T. & S. 9326, Roseburg, Ore., series.

July 29, 1908, Portland, Ore.:

Made type. copy afdt. G. H. Strader in re T. & S. 9325, Roseburg series. Interviewed A. Ehrgood in re H. E. G. Cooke. She refused to make afdt. Made out statement of her admissions to be signed by Special Agents West, Alexander, Spaulding, and Jones. Worked until 9 o'clock p. m. on report of Dorgan and Devine entries.

July 30, 1908, Portland, Ore.:

Interviewed D. Buck and J. Shemansky in re alleged frauds of J. W. McIrwin and G. Kerns in timber locations. Made supplemental report to H. L. Stimson, U. S. atty. for New York, in H. E. G. Cooke case. Made 4-480 report on H. E. 11658, L. Wodtli. Wrote R. P. Cowgill, spl. agt. G. L. O., transmitting papers in case of U. S. *v. H. J. H. Parker* for survey and photographs.

July 31, 1908, Portland, Ore.:

Interviewed G. D. Stearns in re T. & S. entries, Roseburg series of N. N. Hinsdale and J. B. Both. Made out monthly account for July. Went to Vancouver, Wash., land office to get draft for July expenses.

### *Daily reports, August, 1908.*

[All signed "Horace Tillard Jones, special agent."]

August 1st, 1908, Portland, Ore.

August 2, 1908, Portland, Ore., Sunday.

August 3, 1908, Portland, Ore.

August 4, 1908, Portland, Ore.

August 5, 1908, Portland, Ore.

August 6, 1908, Portland, Ore.:

Interviewed David Buck and A. Shapiro in re fraudulent locations in Roseburg land district by J. W. McIrwin and G. D. Kerns, and prepared affidavit for said 914 Buck's signature. Took afdt. C. T. Wilson in re H. E. 15752 F. Graybeal, Portland, Ore., series. At U. S. land office getting data concerning said Graybeal H. E. Made out and transmitted to G. L. O. supplemental account for April, 1908, with letter.

August 7, 1908, Portland, Ore.:

Wrote G. W. Smith, Co. Clk. Curry Co., in regard to return of records of said county retained by U. S. court for use in Pacific Furniture & Lum. Co. case. Returned to

T. B. Neuhausen papers loaned by him in connection with case of U. S. vs. A. R. Downs et al. Wrote W. H. Evans, asst. U. S. atty. in re U. S. vs. J. C. Burke. Completed affidavit and secured signature of D. Buck in re J. W. McIrwin et al.

August 8, 1908, Portland, Ore.:

Conferring with surveyor general for Oregon in re H. E. 0233 F. A. Gaylord, 0446 E. G. Knowlton, 0477 L. O. Olmstead, La Grande district on unsurveyed land in forest reserves. Took afdvt. A. Shapiro in re frauds of J. W. McIrwin et al. Made 4-480 reports on T. & S. C. E. 9559 S. W. Turnell and 9322 E. R. Forester, Roseburg land district. Wrote R. & R. in re same.

August 9, 1908, Portland, Ore., Sunday.

August 10, 1908, Portland, Ore.:

Getting status of Siletz entries at U. S. Land Office.

August 11, 1908, Portland, Ore.:

At U. S. Land Office running homestead application, cash entry, patent register, and contest docket in re entries in the Siletz, Oregon, for investigation.

August 12th, 1908, Portland, Ore., Headquarters.

August 13, 1908, Portland, Ore.:

At U. S. Land Office getting status of Siletz entries. Presented complaint of A. Shapiro and D. Buck vs. J. W. McIrwin and G. W. Kerns for fraudulent locations.

August 14, 1908, Portland, Ore.:

Working on Siletz cases and getting them ready for field examination. Consulting letter-press books of other agents who have investigated the Siletz.

August 15, 1908, Portland, Ore.:

Working on Siletz cases getting them ready for examination. Consulting books of other agents who have investigated the Siletz.

August 16, 1908, Portland, Ore.:

Made letter report to G. L. O. on contest applications of P. M. Curry and C. O. Rogers vs. H. E. 14392 of C. V. Hare recommending rejection of same.

August 17, 1908, Portland, Ore.:

Lv. Portland, Or., 9.10 a. m., ar. Vancouver, Wash., 9.50 a. m. Lv. Vancouver, Wn.; 1.30 p. m., ar. Portland, Or., 2.10 p. m., round trip fare via Portland Railway, Light and Power Co., .35. Attending to matters contained in letter "A" 1908-146642 JWD, dated August 10, 1908. Interviewed C. O. Rogers in re his contest vs. HE 14392 of C. V. Hare, Portland series. Interviewed Lewis Jones in re his HE 14364, Portland series, and other Siletz entymen. Made letter report to GLO recommending rejection of application of R. S. Derrick to contest HE 14205 S. Strylewicz, Portland series.

August 18, 1908, Portland to Vancouver & ret.:

Lv. Portland 1.50 p. m., ar. Vancouver, Wn., 2.30 p. m. Lv. Vancouver 6.50 p. m., ar. Portland 7.30 p. m., round trip fare Portland Ry. & Elec. Co., .35. Attending to matters contained in letter "A" 146642 JWD. Working on records of reports and examinations of Agents Lafferty, Watts, & McMechan in re Siletz entries. Falls City, Aug. 25, 08.

August 19, 1908, Portland to Vancouver:

Lv. Portland 9.50 a. m., ar. Vancouver, Wn., 10.30 a. m. Lv. Vancouver 2.10 p. m., ar. Portland 2.50 p. m., round trip fare via Port. Ry. L. & P. Co. .35. Attending to matters in letter "A" 146642 JWD, and made report thereon by letter to GLO. Dallas, Or., until further notice.

August 20, 1908, Portland to Dallas, Or.:

Lv. Portland 7.40 a. m., ar. Dallas, Or., 11 a. m., via S. P. R. R., fare, no rebate, \$1.90. Interviews, 4. Dallas, Or., until further notice.

August 21, 1908, Dallas, Ore.:

Making plats of Siletz entries. Took afdvt. P. A. Smith in re H. E. 14329. Interviewed J. Crowther in re H. E. 14377; interviewed W. P. Holman in re H. E. 14325, all in Portland land district. Dallas, Or., until further notice.

August 22, 1908, Dallas, Ore.:

At county assessor's office searching records as to taxes against Siletz homesteaders. Dallas until further notice.

August 23, 1908, Dallas, Ore.:

Affidavits, 2; interviews, 2.

915 August 24, 1908, Dallas, Ore.:

Affidavits, 3; interview, 1.

August 25, 1908, Dallas, Ore.:

Affidavit, 1; interviews, 3.

August 26, 1908, Dallas to Falls City, Or.

August 27, 1908, Falls City-Dallas, Ore.:

Affidavits, 3; interviews, 4.

August 28, 1908, Dallas-Portland, Or.:

Interview, 1.

Saturday, August 29, 1908, Portland, Oregon, headquarters:

Examining reports of Special Agents McMechan, Lafferty, and Watts on Siletz homesteads to ascertain list of such cases as require reinvestigation.

Sunday, August 30, 1908, Portland, Ore., headquarters.

Monday, August 31, 1908, Portland, Ore., headquarters:

Copied afdvts. of H. W. Clifford, Wm. McHardy, J. L. Coudron, & C. O. Tennis. Took afdvt. Wm. Stauke in re his H. E. 14362, Portland district. Interviewed Lewis Jones in re contest of R. N. Nash vs. H. E. 14364. Interviewed D. W. Reardon in re contest of Wm. Leese vs. H. E. 14397 of A. R. Lawton. Interviewed D. Edgar in re Siletz homesteads. Made out monthly account for August.

*Daily reports, September, 1908.*

[All signed "Horace Tillard Jones, special agent."]

Tuesday, September 1, 1908, Portland, Ore., headquarters:

Copied affidavits of I. B. Lowe, L. M. Lee, C. E. Wellwood, E. Wellwood, and P. A. Fineth in re Siletz homestead entries. Arranging Siletz cases for report.

Wednesday, September 2, 1908, headquarters:

Copying affidavits of William McHardy and A. N. Robinson, relative to thirty Siletz homestead entries, to be used in making 4-480 reports.

Thursday, September 3rd, 1908, Portland, Ore., Headquarters:

Conferring with chief first field div. in re Borgan and Devine Lakeview cases.

Cases reported: Entry, bad, 1.

Friday, September 4th, 1908, Portland to Newport, Or.:

To Underwood Typewriter Co., for packing typewriter for shipment to Newport, Or., \$.50. To B. & O. T. Co., baggage from house to depot, Portland, Or., .50. To Bain's Dray, Newport, Or., baggage from dock to hotel, .50. Lv. Portland, 8.15 a. m.; ar. Newport, Or., 6.30 p. m., via S. P. R. R., special round trip ticket, T. R. 1515 (\$6.00), total, 1.50.

Saturday, September 5th, 1908, Newport, Ore.

Paid Wells, Fargo & Co., for express charges on typewriter from Portland, Or., to Newport, Or., \$1.20. Paid Bain's dray for hauling typewriter from dock to hotel at Newport, Or., .25. Total 1.45.

Affidavits, 1; interviews, 3.

Sunday, September 6, 1908, Newport, Ore.

Took affidavit of C. H. Bradshaw in re action of R. & R. of Portland land office in postponing taking of evidence in contest of A. C. Gilman vs H. E. of C. H. Bradshaw in the Portland, Ore., land district.

Monday, September 7th, 1908, Newport, Ore.

Made 4-480 report on T. & S. 9326, H. W. Singleton-Roseburg series. Copied afdvts. T. R. Sheridan, G. Bateman & J. W. Gardner in re same. Wrote G. L. O. in re said entry & five others. Wrote Chief Field Div. in re said entries.

Tuesday, September 8, 1908, Newport, Ore.

Cases examined: Entries, good, 4; bad, 7. Cases reported: Entries, good, 4; bad, 7. Interviews, 1.

Wednesday, September 9, 1908.

Copied afdvt. A. Sampson, T. C. Stockwell. Took supplemental afdvt. L. W. Williams in re H. E. 13221. Made letter report to L. R. Glavis on H. E. 12957, J. M. Jordan; 13684, M. F. Woodruff; 13336, L. Kirsch; 13537, C. H. Wheeler; 14202, P. Kobielski; 14411, A. Boutin; 14370, C. J. Franklin; 13735, A. Wilt. Also wrote him letter in re D. Harris. Made letter report to G. L. O. on contest applications of F. Mack vs H. E. 13735 A. Wilt; W. F. Slaughter vs H. E. 14370 C. J. Franklin; P. M. Curry vs H. E. 14361 Q. B. Smith. All in Portland, Ore., land district.

Thursday, September 10, 1908, Newport, Ore.

Cases examined: Entries, bad, 7. Cases reported: Entries, bad, 7.

Friday, September 11, 1908, Newport, Ore.

916 Cases examined: Entries, good, 1; bad, 10. Cases reported: Entries, good, 1; bad, 11. Letters, 1.

Saturday, September 12, 1908, Newport, Oregon:

Cases examined: Entries, good, 1; bad, 5. Cases reported: Good, 1; bad, 5.

Sunday, September 13, 1908, Newport, Ore.:

Copied statement of A. C. Gilman in re H. E. 14352, C. S. Palmer, and made 4-480 report on said entry; also on H. E. 14382, H. W. Clifford, all in Portland, Ore., land district.



Monday, September 14, 1908, Newport, Ore.:

My telegraphic address (and for matters requiring investigation above, Kernville & Otis, Ore.) will be Kernville, Ore., until the 18th of September-08. Other matters address Newport, Ore.

Cases examined: Entries, bad, 1. Cases reported: Bad, 6. Letters, 2.

Tuesday, September 15, 1908, Newport to Kernville, Ore.:

Leave Newport, Or., 9 a. m.; ar. Kernville, Or., 6 p. m.

Wednesday, September 16, 1908, Kernville, Ore.:

Paid John Fogarty, Newport, Or., team hire for two days, \$10.00. Took afdvt. J. Powlukowski in re his H. E. 14581-14582, J. Aleksa; 16144, M. O. Bryant; 13628, L. A. Moll; 13237, J. Smietana; 13335, A. Redzewski. Took afdvt. J. A. Read in re H. E. 14683; 14511, N. Anderson; 14795, G. E. Lyne; H. E. 13335, A. Redzewski. Afdvt. N. Anderson, jr., in re H. E. 14511, N. Anderson, dec'd. Afdvt. S. Strylewicz in re H. E. 14205. Afdvt. J. Smietana in re his H. E. 13237. Afdvt. A. L. Stephens in re H. E. 15477. Afdvt. A. Redzewski in re his H. E. 13335, all in Portland, Or., land district.

Thursday, September 17, 1908, Kernville, Ore., to Taft, Ore.:

Took afdvt. J. Aleksa in re his H. E. 14582. Afdvt. W. Bones in re his H. E. 14731. Afdvt. W. Bones in re H. E. 14974, L. Breeding 13237, J. Smietana. Afdvt. G. E. Lyne in re H. E. 14795, 13237 J. Smietana, 14582 J. Aleksa, 14581 J. Powlukowski, 13335 A. Redzewski, 14205 S. Strylewicz, 14731 W. Bones, 14974 L. Breeding, 16433 E. Olsen. Afdvt. John T. Dickens in re H. E. C. Martin, H. E. R. Winters, 14663 J. A. Read, 14731 W. Bones. All in Portland land district. Lv. Kernville, Or., 4 p. m., ar. Taft, Or., 5 p. m. Paid Fred Oaf, Kernville, Ore., for boat hire .50.

Friday, September 18, 1908, Taft, Ore.:

Cases examined: Entries, good, 5. Affidavits, 1.

Saturday, September 19, 1908, Taft, Ore.:

Cases examined: Entries, good, 5; bad, 2. Affidavits, 1; interviews, 2.

Sunday, September 20, 1908, Taft, Otis, Taft, Ore.:

Cases examined: Entries, good, 1. Interviews, 1.

Monday, September 21, 1908, Taft, Ore., Newport, Ore.:

Cases examined: Entries, bad, 1. Interviews, 1.

Tuesday, September 22, 1908, Newport, Ore.:

Cases reported: Entries, good, 4; miscellaneous, bad, 1. Letters, 4.

Wednesday, September 23, 1908, Newport, Ore.:

Cases reported: Entries, good, 11. Letters, 1.

Thursday, September 24, 1908, Newport, Ore.:

Made typewritten copy of affidavits in following homestead entries: H. E. 16005 L. McClintock (1), 14731 W. Bones (3), 15477 A. L. Stephens (1), 14795 G. E. Lyne (2), 14511 N. Anderson (2), 14581 J. Powlukowski (3), 13237 J. Smietana (3), 14582 J. Aleksa (2), 13335 A. Redzewski (3), 14205 S. Strylewicz (1), 13628 L. Moll (1), 13369 M. M. Parmele (1), 14683 J. A. Read (1), 14928 E. Hovrin (1), 14927 E. Sarri (1), 15353 J. Alfalter (1), 15362 B. Legler (1), 14038 A. Wallace, 14974 L. Breeding (3), 16006 T. J. Kerr (2), 16144 O. M. Bryant (1), — C. Martin (1), — R. Winters (1), — N. Nelson (1), — A. Lisvig (1), all in Portland, Ore., land district.

Friday, September 25, 1908, Newport, Ore.:

Cases reported: Entries, good, 1; miscellaneous, bad, 1. Interviews, 1; letters, 3.

Saturday, September 26, 1908, Newport, Ore.:

Cases reported: Entries, good, 2; bad, 6.

Sunday, September 27, 1908, Newport to Toledo, Ore.:

Went to South Beach, Newport, Ore., to interview Tracy Davis in re E. A. Moore, H. E. 14659; he was not at home. Ferriage across Yaquina Bay from Newport, Ore., to Simon Linton, Newport, Ore., \$.25. Ferriage across Yaquina Bay from South Beach to Newport, Ore., paid Lee Dotey, Newport, Ore., no rebate for RT., .25. Interviewed John Frey, Newport, Ore., in re H. E. 13221, L. W. Williams. Interviewed R. N. Nash, in re contest vs H. E. 14364 L. Jones; bus hire from Irvin Hotel, Newport, Ore., to dock at Newport, Ore., .25. To Rowan and Fogarty, transfer of baggage from hotel to dock at Newport, Ore., .50. Lv. Newport 5.15 p. m., via C. & E. R. R.; ar. Toledo, Ore., 6.30 p. m. Fare from Yaquina to Toledo, Ore., .35—\$1.60.

917 Monday, September 28, 1908, Toledo, Ore.:

Affidavits, 2; interviews, 4.

Tuesday, September 29, 1908, Toledo to Albany, Ore.:

Interviews, 1.

Wednesday, September 30, 1908, Albany, Ore., to Portland, Ore.:

Interviews, 4.

*Daily reports, October, 1908.*

[All signed "Horace Tillard Jones, special agent."]

Thursday, October 1, 1908, at headquarters, Portland, Ore.:

Conferring with L. R. Glavis, Chief Field Div., on Siletz entries. Interviewed A. I. Moulton in re Siletz homesteads. Made out monthly expense account for September, 1908. Letters, 1.

Friday, October 2, 1908, Portland, Oregon, Headquarters:

Cases examined, entries, good, 3; bad, 1. Cases reported, entries, good, 3; bad, 1. Affidavits, 1; letters, 2.

Saturday, October 3, 1908, Portland, Ore., Headquarters:

Cases examined, misc., good, 1; bad, 1. Cases reported, misc., good, 1; bad, 1. Interviews, 4.

October 4, 1908, Portland, Oregon, Headquarters: Sunday.

Monday, October 5, 19—, Headquarters:

Cases examined: Entries, good, 1; bad, 4. Cases reported: Entries, good, 1; bad, 4. Letters, 3.

Tuesday, October 6, 1908, Portland, Oregon:

Consulting with U. S. Atty. for Oregon in re suits to cancel patents to Hyde & Benson lands. Cases examined: Entries, good, 1; bad, 11. Cases reported: Entries, good, 1; bad, 11. Interviews, 1.

Wednesday, October 7, 19—, Portland, Oregon:

Conferring with U. S. Atty. for Oregon in re suits to set aside patents on Hyde & Benson lands. Took afdvt. W. J. Shay in re his H. E. 16203—H. E. 16176 C. Burn, 16184 F. P. Hoy. Took afdvt. J. M. Wilson in re his C. E. 9408 & C. E. 9407 A. E. Bush. All in Portland, Ore., land district.

Thursday, October 8, 1908, Portland, Ore.:

Conferring with U. S. Atty. for Oregon in re suits to set aside patent to Hyde & Benson lands. Examining abstracts of title. Cases examined: Entries, good, 2; bad, 1. Cases reported: Entries, good, 2; bad, 1.

Friday, October 9, 1908, Headquarters:

At office of U. S. Atty. for Oregon assisting F. C. Becker in trial of Pacific Furniture & Lumber Co. case.

Saturday, October 10, 1908, Headquarters:

Assisting F. C. Becker, Asst. Atty. Genl. in trial of P. F. &amp; L. Co.

Sunday, October 11th, 1908, Headquarters to Reedville, Ore., and ret.

Lv. Portland, 8.50 a. m.; ar. Reedville, Ore., 9.45 a. m. Fare to Reedville, via S. P. R. R., .50. Walked from Reedville to Beaverton, Ore. Lv. Beaverton, 4.20 p. m.; ar. Portland, 5.00 p. m. Fare via S. P. R. R., .35.

Monday, October 12th, 1908, Headquarters:

Assisting F. C. Becker, asst. atty. genl., in trial of P. F. &amp; L. Co.

Tuesday, October 13th, 1908, Headquarters:

Assisting F. C. Becker, asst. atty. genl., in trial of P. F. &amp; L. Co.

Wednesday, October 14th, 1908, Headquarters:

Assisting F. C. Becker, asst. atty. genl., in trial of P. F. &amp; L. Co.

Thursday, October 15th, 1908, Headquarters:

Assisting F. C. Becker, asst. atty. genl., in trial of P. F. &amp; L. Co.

Friday, October 16th, 1908, Headquarters:

Assisting F. C. Becker, asst. atty. genl., in trial of P. F. &amp; L. Co.

Saturday, October 17th, 1908, Headquarters:

Assisting F. C. Becker, asst. atty. genl., in P. F. &amp; L. Co. trial.

Paid for transfer of Underwood typewriter from U. S. atty. office to office of chief field div. in custom-house, .25. Cases examined: Entries, good, 3; bad, 2; miscellaneous, good, 1. Cases reported: Entries, good, 3; bad, 2; miscellaneous, good, 1. Letters, 1.

Sunday, October 18, 1908, Headquarters.

Monday, October 19, 1908, headquarters to Pendleton, Ore.:

Lv. Portland 8.30 a. m. via O. R. &amp; N. Co.; round trip fare, see T. R. 1516 (\$13.70).

Ar. Pendleton 4.30 p. m. Seat in Pullman from Portland to Pendleton, Ore., \$1.25.

Tuesday, October 20, 1908, Pendleton to headquarters:

Interviewed John Vert, J. E. Smith, J. B. Gwynn, K. G. Warner, and C. B. Adams in re Hyde and Benson lieu selections. Telephone message to K. G. Warner, 918 Pilot Rock, Ore., .25. Lv. Pendleton, Ore., 2 p. m., ar. Portland, Ore., 10 p. m. via O. R. & N. Co., on return ticket. Seat in Pullman from Pendleton to Portland, Ore., 1.25.

Interviews, 5.

Wednesday, October 21st, 1908, Portland, Ore.:

Made letter report to U. S. Atty. for Ore. in re Hyde and Benson lieu selections. Lv. Portland, Or., 3 p. m., ar. Oregon City, Ore., 3.50 p. m. via O. W. P. & Ry. Co., round trip fare, 45. Interviewed B. T. McBain, of Willamette Pulp and Paper Co. in re Hyde and Benson lieu selections. Lv. Oregon City, 4.38 p. m., ar. Portland, Ore., 5.15 p. m., on return ticket. Interviewed Geo. W. Smith in re Pacific Furniture and Lumber Co.

Interviews, 2; letter, 1.

Thursday, October 22, 1908, headquarters:

Affidavit, 1, letter, 1.

Friday, October 23, 1908, headquarters:

Cases examined: Entries, good, 6; bad, 1. Cases reported: Entries, good, 6; bad, 1. Letters, 1.

Saturday, October 24, 1908, Headquarters:

Cases examined: Entries, good, 8; bad, 1. Cases reported: Entries, good, 8; bad, 1.

Sunday, October 25th, 1908, Headquarters. Sunday.

Monday, October 26, 1908, Headquarters:

Cases examined: Miscellaneous, good, 1. Cases reported: Miscellaneous, good, 1. Affidavits, 3; interviews, 1.

Tuesday, October 27, 1908, Headquarters:

At U. S. atty's office assisting chief field div. in Pacific Furniture and Lumber Co. case. Made report to G. L. O. in name of chief field div., on Hyde and Benson lieu selections, six selections in all. Wrote letter for signature of chief field div. in re Lafferty disbarment proceedings.

Letters, 1.

Wednesday, October 28, 1908, headquarters:

Cases reported: Entries, good, 3.

Thursday, October 29, 1908, headquarters:

Cases examined: Entries, good, 7; miscellaneous, good, 1. Cases reported: Entries, good, 7; T. T., good, 1; miscellaneous, good, 1.

Friday, October 30, 1908, headquarters:

Cases examined: Entries, good, 1; bad, 3. Cases reported: Entries, good, 1; bad, 3.

Saturday, October 31, 1908, headquarters:

Affidavits, 1; interviews, 5.

#### *Daily reports, November, 1908.*

[All signed "Horace Tillard Jones, special agent."]

Sunday, November 1st, 1908, Headquarters, Sunday.

Monday, November 2, 1908, Headquarters:

Made out expense account for October. Interviewed Mrs. F. M. Cook in re contest vs. H. E. 14324 of Eva C. Smith.

Tuesday, November 3rd, 1908, Headquarters:

Preparing for use of Chief, First Field Div., abstract of names of present owners of lands in Lakeview, Ore., land district located by Dorgan and Devine.

Wednesday, November 4, 1908, Headquarters:

Cases examined: Entries, bad, 2; miscellaneous, bad, 1. Cases reported: Entries, bad, 2; miscellaneous, bad, 1. Interviews, 2; letters, 2.

Thursday, November 5, 1908, Headquarters:

Cases examined: Entries, good, 3. Cases reported: Entries, good, 3. Affidavits, 2; interview, 1.

Friday, November 6, 1908, Headquarters:

Cases examined: Entries, good, 2. Cases reported: Entries, good, 2. Interviews, 3.

Saturday, November 7, 1908, Headquarters:

Cases examined: Entries, good, 5. Cases reported: Entries, good, 5. Affidavit, 1; letters, 3.

Sunday, November 8th, 19—, Headquarters, Sunday.

Monday, November 9th, 1908, Headquarters:

Took afdvt. A. R. Lawton in re his H. E. 14397. Interviewed D. C. Henny, of Reclamation Service, in re irrigation in Oregon. Interviewed J. T. Williamson, of the Oregon Chamber of Commerce, on agricultural conditions in Oregon. For use of National Conservation Commission.

Tuesday, November 10, 1908, Headquarters:

Interviewed Edward A. Beals, Chief Oregon Weather Bureau in re "Rainfall in Oregon." Interviewed E. T. Allen of Forest Service in re "Grazing in Oregon."

Interviewed A. Welch of the Willamette Traction Co., on "Water power in 919 Oregon." The result of such interviews to be made subject of report to National Conservation Commission.

Wednesday, November 11, 1908, Headquarters:

Interviewed J. C. Stevens, Chief Hydrographer for Oregon in re "Flood waters in Oregon." Wrote letter to Governor G. E. Chamberlain in re "Swamp lands in Oregon." At office of U. S. Attorney working on papers in pending suits to cancel lieu selections of Hyde & Benson.

Thursday, November 12, 1908, Headquarters:

Preparing report for Chief First Field Div. on schedule of inquiries contained in Bulletin No. 3 of National Conservation Commission.

Friday, November 13, 1908, Headquarters:

Preparing report for Chief First Field Division on schedule of inquiries continued in Bulletin No. 3 of National Conservation Commission.

Saturday, November 14, 1908, Headquarters:

At office U. S. Attorney getting data concerning legal fees of U. S. Commissioners in contested land cases in Oregon.

Sunday, November 15, 1908, Headquarters:

Getting data from first count of indictment vs. F. W. Gilchrist et al. for use in report to Chief First Field Div., as to names of entrymen for the lands contained therein. At office from 9 a. m. to 5 p. m.

Monday, November 16, 1908, Headquarters:

At office of Clerk of U. S. Courts getting status of pending suits before District and Circuits for the Oregon District. See letter "P" A. F. McC. to L. R. Glavis. Prepared report for GLO for National Conservation Commission on revision of land laws in Alaska.

Tuesday, November 17, 1908, Headquarters:

At Clerk's Office U. S. Courts getting status of suits pending in the Oregon District and Circuit Courts. See letter "P" A. F. McC., Oct. 22, 1908, to L. R. Glavis. At U. S. Atty. Office getting decisions in re filing of protests and non-mineral affidavits in re mining lands, and lieu selections in J. H. Parker case and other pending cases to be tried on this calendar.

Wednesday, Nov. 18, 1908, Headquarters:

Making report to GLO as to status of pending suits in First Field Division in the District and Circuit Courts.

Thursday, November 19, 1908, Headquarters:

Completed report to GLO on status of pending suits in US District and Circuit Courts for Oregon. See letter "P" A. F. McC. to L. R. Glavis, Oct. 22, 1908.

Friday, November 20, 1908, Headquarters:

Wrote letter to Register and Receiver, Roseburg, Ore., for the status of said entry. Preparing list of lands affected by lieu selections transmitted to Chief First Field Div. by letter "P" 51633 for investigation as to base lands at Salem, Oregon. Affidavit, 1. Letter, 1.

Saturday, November 21, 1908, Headquarters:

Consulting with Asst. U. S. Attorney for Oregon as to witnesses to be subpoenaed in U. S. vs. J. H. Parker. Made adverse report on contest application of H. E. Cook vs. E. C. Smith, H. E. 14324, Portland series. Adverse report on appl. of R. M. Spencer to contest H. E. 14394, A. R. Lawton. Adverse report on appl. of A. M. Spencer to contest H. E. 14392 of C. V. Hare, all in Portland land district.

Sunday, November 22, 1908, Headquarters, Sunday.

Monday, November 23, 1908, Headquarters:

Making schedule of lands preparatory to getting data from State Land Office at Salem, Ore., in re lieu selections and the base lands therefor. Lv. Portland, Ore., 11 a. m.; ar. Salem, Ore., 1.25 p. m.; fare, round trip, via Oregon Electric Co., 2.75. Working at State Land Office, Salem, Ore., getting names of original applicants for base lands. See letter "P" 50204, JFC-JJ.

Tuesday, November 24, 1908, Headquarters:

Working at State Land Office, Salem, Ore., on list of base lands from lieu selection as per letter "P" 50204, JFC-JJ. Lv. Salem, Ore., 4 p. m.; ar. Portland, Ore., 6 p. m. on return ticket.

Wednesday, Nov. 25, 1908, Headquarters:

Examining witnesses for the prosecution in the case of the U. S. vs. James H. Parker under amended section 4746, R. S. U. S., at office of U. S. attorney for Oregon.

Thursday, November 26, 1908, Headquarters:

Examining witnesses for prosecution in U. S. *vs.* J. H. Parker et al. under sec. 4746, R. S. U. S., as amended.

920 Friday, November 27, 1908, Headquarters:

Examining witnesses for prosecution in case of U. S. *vs.* J. H. Parker, indicted under sec. 4746, R. S. U. S., as amended. Testified for prosecution in said Parker case. Examining witnesses for prosecution in said case.

Saturday, November 28, 1908, Headquarters:

Assisting U. S. Attorney McCourt at trial of case of U. S. *vs.* James H. Parker, indicted under sec. 4746, R. S. U. S., as amended. Took afdvt. Mrs. Esther Green in re T. & S. C. E. 7396 of the Vancouver, Wash., land district.

Sunday, November 29, 1908, Headquarters:

Conferring with U. S. attorney for Oregon in re additional evidence in the case of U. S. *vs.* James H. Parker.

Monday, November 30, 1908, Headquarters:

Assisting U. S. attorney at trial of U. S. *vs.* J. H. Parker. Case went to jury to-day. Making out monthly expense account for November, 1908. Paid typewriter exchange for repairs to Underwood Typewriter, 3.25.

*Daily reports, December, 1908.*

[All signed "Horace Tillard Jones, special agent."]

Tuesday, December 1st, 1908, Headquarters:

Supervising serving spas. in hearings for Dec., Jan., & Feb. Made out motion for commission to take oral deposition of Andrew Kennedy re H. E. 2485, J. W. Tucker, Burns land district, also deposition of S. W. Norton, jr., re D. L. E. 188, J. R. Hayworth, Burns series. Wrote registered notice of such deposition to entrymen. Made out subpoenas for A. Bennett and J. C. Gilchrist re H. E. 2568, John Farr, Burns series, and transmitted them by letter to R. & R. Burns, Ore., for signature. Wrote C. J. Bingham, forest supervisor in re service of spas. on witnesses in contest of H. E. 1228 of John Scarff, Burns series, also witnesses in H. E. 1493, E. E. Johnson.

Wednesday, December 2, 1908, Headquarters:

Wrote letter to P. M. at Condon, Ore., transmitting fee for service of spa. on A. S. Rice, W. Campbell, C. Baker, & H. W. Hartman in re H. E. 6600 of W. I. Ebbert, The Dalles series, \$4.00. Wrote P. M. at Clem, Ore., transmitting fee for service of spa. on C. Wilkins re H. E. 7365, W. H. Longley, The Dalles series, 1.00. Wrote P. M. at Condon, Ore., transmitting fee for service of spa. on C. Baker re H. E. 6071, J. R. Dimick, The Dalles series, 1.00. Wrote P. M. at Homevalley, Wash., trans. fee for serving spa. on A. W. McFarland re H. E. 7895, R. W. Kaseburg, The Dalles series, 1.00. Wrote P. M., Grass Valley, Ore., service spa. on E. Heath in re H. E. 7895, R. W. Kaseburg, The Dalles series, 1.00. Made out spa. for J. and C. Calkins & Harrison Hale, witnesses, re H. E. 8101, O. R. Conner, The Dalles series, and transmitted same by letter to R. & R., The Dalles, for signature. Wrote P. M., Lents, Ore., inclosing fee for service of spa. on L. F. Mason re H. E. 2223 of J. W. Dee, The Dalles series, 1.00. Wrote P. M., Clem, Ore., transmitting fee for service spa. on C. A. Dannemann and J. Larch re H. E. 6359, G. Welshous, 2.00. Wrote P. M., Condon, Ore., transmitting fee for service spa. on P. Dyer, C. Baker, & J. S. Harpole, sr., re H. E. 8353, J. O. Portwood. Wrote P. M., Friend, Ore., forwarding spas. to be served. Wrote W. D. Wheeler, Friend, Ore., inclosing copy of spa. served on him and returned to this office by mistake. Wrote letter to P. M. at Richmond, Ore., transmitting fee for serving spa. on W. N. Loughmiller re H. E. 6553, J. Fletcher, \$1.00. Wrote P. M., Condon, Ore., transmitting fee for serving spa. on C. L. Baker & Otis Campbell re H. E. 7342, Luella B. Walm, 2.00, all said entries being in The Dalles land district.

Thursday, December 3, 1908, Headquarters:

Supervising serving spas. in hearings in Dec., Jan., & Feb. Made out spas. for A. C. Baker, P. P. Underwood, J. T. Adkisson, and A. V. Underwood re H. E. 8922 of B. E. Selleck, The Dalles district, and transmitted them by letter to R. & R., The Dalles, Ore., for their signature. Interviewed D. W. Reardon and C. O. Rodgers in re contest appl. of Rodgers *vs.* H. E. 14392, C. V. Hare, Portland series. Interviewed H. W. Hull in re contest *vs.* H. E. 14353, D. A. Elkins, Portland series.

Friday, December 4, 1908, Headquarters:

Supervising serving spas. in hearings for Dec., Jan., & Feb. Transmitted by letter to P. M. at Watson, Ore., spa. to be served on J. T. Adams re H. E. 1180, L. W. Shaver, Burns series. Trans. by letter to P. M. at Lone, Ore., spas. to be served on J. and C. Calkins and to P. M. at Heppner, spa. to be served on H. Hale, re H. E. 8101, O. R. Conner, The Dalles series. Trans. to P. M. by letter spas. to be served on F. W. Stowbridge and H. C. Warfield, re H. E. 10520, S. A. Scott, The Dalles. Trans. to P. M.,

Condon, Ore., by letter, spas. to be served on J. Underwood and C. E. Rickard, re H. E. 8353, J. O. Portwood, The Dalles land district.

921 Saturday, December 5, 1908, Headquarters:

Supervising the subpoenaing of witnesses in hearings for Dec., Jan., & Feb. Wrote U. S. P. M., Olex, Ore., inclosing voucher for signature. Wrote U. S. P. M., Condon, Ore., inclosing spa. for service on O. W. Propst re H. E. 6600 of W. I. Ebbert, The Dalles series. Wrote Walton and Ness, Eugene, Ore., consent to take deposition of claimant at Vancouver, B. C., re H. E. J. McCrath, Roseburg series. Wrote chief, First Field Div. 1, requesting disqualification of R. R. at Portland, Ore., to hear Draper disbarment proceedings. Also letter to chief in re Lafferty disbarment proceedings. Also letter to chief in re contest application of C. O. Rodgers vs. H. E. 14392, C. V. Hare, Portland district. Made supplemental report on C. C. E. 13101, L. Wodtli, Roseburg series.

Sunday, December 6, 1908, Headquarters.

Monday, December 7, 1908, Headquarters:

Made motion to La Grande land office for deposition in re H. E. 0465 of W. E. Simmons. Sent spa. for G. W. Applegate and E. Newton in re D. L. E. 118 of J. R. Hayworth, Burns dist., to Payette, Ida., for service. Made motion for deposition of A. Kennedy in re H. E. 2485 of J. W. Tucker, Burns dist. Trans. to R. R. Burns land office. Motion to take dep. S. W. Norton in re D. L. E. 188 J. R. Hayworth, Burns dist. Wrote letter to S. W. Norton notifying him of such deposition.

Tuesday, December 8, 1908, Headquarters:

Wrote Forest Service in re H. E. 8922, B. E. Selleck, The Dalles dist. Motion for dep. E. C. Elkins, re H. E. 11002, F. Shambau, The Dalles dist., with letter. Wrote Forest Service in re M. E. 260, K. J. Martin, La Grande dist. Wrote F. Wunder re T. & S. 5210, J. H. Parker, La Grande dist. Made spa. for F. Wunder, sr., F. Wunder, jr., J. Wyant, and C. W. Keizur in re T. & S. 5210, J. H. Parker, La Grande dist. Motion for dep. H. Hale re H. E. 8617, E. Hansen, La Grande dist., with letter. Wrote H. Hale withdrawing spa. re H. E. 8617, E. Hansen, La Grande dist. Wrote P. M., Monument, re H. E. 8617, E. Hansen. Attending to serving and filing spas. in hearings.

Wednesday, December 9, 1908, Headquarters:

Wrote P. M., Long Creek, Ore., for address O. E. Woodall. Wrote P. M., Hamilton, Ore., for correction in voucher. Motion for dep. O. W. Propst re H. E. 6600, W. I. Ebbert, The Dalles dist., with letter. Motion for dep. J. Underwood re H. E. 8352, J. O. Portwood, The Dalles dist., with letter. Wrote F. J. Egan re H. E. 8352, J. O. Portwood, The Dalles series. Interviewed G. Herrin in re application of S. N. Herrin for leave of absence. Looking up land decisions in Indian allotment cases. Filing and issuing spas. for hearings in land cases.

Thursday, December 10, 1908, Headquarters:

Attended taking of dep. of Andrew Kennedy re H. E. 2485, J. W. Tucker, Burns land district. Made typewritten copy of same. Wrote M. Jepson re H. E. 9625, B. Mackin. Filing returns on spas. in hearings for January & February.

Friday, December 11, 1908, Headquarters:

At U. S. clk. courts office getting data re Hyde & Benson et al. suits. Made report thereon to G. L. O. Wrote Forest Service re H. E. 11188, F. L. Willis—10092, R. J. Thompson, 12666, N. H. Boley. All La Grande, Ore., series. Wrote G. L. O. in re same cases. Attending to returns on subpoenas in hearings for Jan. & Feb.

Saturday, December 12, 1908, Headquarters:

Attended taking deposition of Wm. Seese in re H. E. 16176. C. Burn & 16142, D. W. McGill, Portland series. Paid for transportation of Monarch typewriter from U. S. atty. office to U. S. custom-house, 25.

Sunday, December 13, 1908, Headquarters:

Wrote postmaster at Kingsley in re H. E. 10520, S. A. Scott, The Dalles district.

Monday, December 14, 1908, Headquarters:

Wrote Forest Service re H. E. 10525, 11937, 5943, 15248, 12734, 10861, 9326, 14014, all La Grande series, by separate letters. Letter to P. M., McKay, Ore., re H. E. 341. Letter to P. M., Hamilton, Ore., re H. E. 8284. Letter to P. M., Nye, Ore., re H. E. 9902. Letter P. M., Elgin, Ore., re H. E. 11365. Letter P. M., Hardman, Ore., re H. E. 12734, all La Grande series. Subpoenaed witnesses re H. E. 14902. Sent letter re same to R. & R., La Grande. Subpoenaed witness re H. E. 8865. Sent letter re same to R. & R., La Grande, Ore. Wrote R. & R., La Grande, re H. E. 11365. Wrote F. W. Benson, re Inland Irrigation Co. Subpoenaed witnesses re D. L. E. 370. Com. to take dep. J. H. Alexander re (cash) H. E. 600, 793, 692, 341, 762. Come to take dep. J. H. Alexander re H. E. 11365, W. K. West, re H. E. 12734, H. F. Higby re H. E. 14902. Wrote R. & R., La Grande, Ore., re all said depositions.

Tuesday, December 15, 1908, Headquarters:

Motion for dep. J. H. Alexander re Umatilla cash entries 599, 298, 717, 610, 691, 636, 722, 723, 318, 810, 611, 823, 491, 600, 793, 692, 341, 762, & H. E. 11365. All La Grande series. Wrote letter to G. L. O. for orig. advts. in Umatilla cases. Filing returns on subpoenas in hearings for Jan. & Feb.

922 Wednesday, December 16, 1908, Headquarters:

Wrote P. M., Astoria, Ore., for address F. C. Reed. Wrote Forest Service for data re H. E. 4173, Roseburg series. Wrote Forest Service for returns on subpoenas sent for service. Subpoenaed H. Pearce, re T. & S. S. S. 8227, Roseburg series, transm. same to Roseburg L. O. for signature. Wrote H. Pearce recalling spa. re T. & S. S. S. 8227. Wrote M. J. Anderson re T. & S. S. S. 8227. Wrote R. & R., Roseburg, re T. & S. S. S. 6395, Roseburg district. Notified J. H. Alexander of date of depositions in Umatilla cases.

Thursday, December 17, 1908, Headquarters:

Wrote J. O'B. Scobey re H. E. 11841, Portland dist. Wrote Forest Service re Siletz homestead contests. Wrote P. M., Ritter, Ore., re H. E. 8865, La Grande dist. Wrote P. M., Pendleton, re H. E. 14902. Wrote Forest Supervisor, Medford, Ore., re H. E. 11611, Roseburg series. Wrote Forest Supervisor, Medford, Ore., re H. E. 12267, Roseburg series. Wrote Forest Supervisor, Roseburg, Ore., re subpoenas sent him to serve. Filing returns of spas. for hearings in Jan. & Feb.

Friday, December 18, 1908, Headquarters:

Conferring with C. R. Pierce, Dist. Land Office, Forest Service, in re hearings in forest cases before local land offices. Furnished Pierce with list of cases, dates of hearings, and places of hearing in all forest cases before the local land offices. Wrote P. M. at Hardman for return on spa. of S. A. Harris.

Saturday, December 19, 1908: Headquarters:

Made out spa. for J. Miller, A. Blom, & W. E. Lace, re H. E. 13735, A. Wilt. & trans. same to P. M. at Rocca for service. Made spa. for L. C. Mowry re H. E. 13735, A. Wilt. & transm. same to P. M. at Siletz, Ore., for service. Spa. for Zimer Hinchaw re H. E. 14965 to P. M. at Falls City, Ore., for service. Spa. for M. L. Thompson, G. R. Love, & A. N. Robinson re H. E., R. Paul, to P. M., Falls City, for service. Wrote W. C. Bennett, Siletz, Ore., re H. E. 14395, W. H. Butz. All in Portland district.

Sunday, December 20, 1908, headquarters:

Made out & transm. to P. M. at Dallas, Ore. Sp. A. for C. G. Coad & A. Uglow re H. E., J. H. Dunn, Portland series.

Monday, December 21, 1908, headquarters:

All Portland, Ore., land district.

Sp. A. Z. Henshaw re H. E. J. H. Dunn to P. M. Falls City for service. Sp. A. J. Frey re H. E. 13221 L. W. Williams to P. M. Newport, Ore., for service. Sp. A. F. H. McDonald re H. E. 13221 L. W. Williams to P. M. Newport, Ore., for service. Sp. A. E. C. J. Smith re H. E. 13221 L. W. Williams to P. M. Newport, Ore., for service. Sp. A. P. Chatterton re H. E. 13221 L. W. Williams to P. M. Newport, Ore., for service. Trans. all to Newport, Ore., for service. Telegram to La Grande Land Office, \$20. Sp. A. G. E. Lyne & J. T. Dickens re H. E. 14371 W. Bones to P. M. at Kernville, Ore. Sp. A. A. Uglow, C. G. Coad, C. O. Tennis re H. E. 7826, J. Crowther, to P. M. Dallas, Ore. Letter to P. M. Nye, Ore., re Sp. As. Sp. A. C. O. Tennis et al. re H. E. 14361—to P. M. Dallas, Ore. Sp. A. Z. Henshaw re H. E. 14361 G. B. Smith—to P. M. Dallas, Ore., for service.

Tuesday, December 22, 1908, Headquarters:

Letter to W. Portwood re H. E. 8353, The Dalles series. Motion oral dep. A. W. Lafferty & J. Mossi re H. E. 14965. Sent registered notice to B. F. Jones, Atty. Stamp in re H. E. 13221, \$.08. Registered notice to A. W. Lafferty re H. E. 14965—stamp, \$.08. Motion for Dep. A. W. Lafferty re H. E. 7826. Notice to Platt & Platt, Attys. Motion for Dep. A. W. Lafferty re H. E. 14361. Registered notice to W. H. Holmes, Atty., \$.08. Motion for Dep. A. W. Lafferty re H. E. 14032. W. Wright, Reg. notice to G. W. Strong, \$.08. Motion for Dep. A. W. Lafferty re H. E. 13221. L. W. Williams. All Portland series. Wrote W. A. Wilkinson, The Dalles, Ore., in re depositions. Transm. Sp. A. for Ore. Propt. re H. E. 8353, The Dalles, series to P. M. at Vale, Ore.

Wednesday, December 23, 1908, Headquarters:

Conferring with Forest Supervisor A. S. Cahoon & Law Examiner Pierce in re hearings in Siletz cases. Wrote F. C. Bramwell re H. E. 8617. Wrote Bramwell re H. E. W. E. Simmons. All La Grande series. Telephone message to U. S. Land Office, The Dalles, Ore., \$.60. Wrote Arcadia—W. re address of E. O. Woodall. Looking up authority for service of notice of oral depositions. Wrote L. R. Glavis re F. C.

Bramwell. Transm. Sp. A. for C. C. Elkins to P. M. at Buena Vista, Ore., re H. E. 11002 The Dalles dnt.

Thursday, December 24, 1908, Headquarters:

Motion for dep. W. F. Allen re H. E. 14032, Portland series, Sp. A. witnesses re H. E. 341-762 (cash) to P. M. McKay, Ore. At U. S. land offices getting signature of R. & R. to subpoenas, commissions, etc., in land cases. Checking over hearings for January & Feb., arranging subpoenas, etc.

923 Friday, December 25, 1908, Headquarters, Xmas.

Saturday, December 26, 1908, Headquarters:

Wrote P. M. Ritter, Ore., re H. E. 8865, L. G. district. Sp. A. A. W. Lafferty, re H. E. 14032, W. Wright 13221, L. W. Williams 7826, J. Crowther 14361, G. B. Smith 14965, W. H. Butz personally. Sp. A. J. Mossi re H. E. 14965, W. H. Butz personally, all in Portland, Ore., series. Served notice personally on A. W. Lafferty, atty., re dep. of J. Mossi re H. E. 14965, W. H. Butz. Wrote G. H. Marsh, U. S. commr., re taking of depositions in above cases.

Sunday, December 27, 1908, Headquarters:

Wrote L. R. Glavis re F. C. Bramwell, transm. to R. & R., Roseburg, Ore., & to Walton & Ness, atty. for defense. Cross-interrogatories re T. & S. entry J. C. McGrath, Roseburg dist. Made duplicate copy of same. Wrote P. M. Vale, Ore., re O. W. Propet, Sp. A. Wrote R. P. Cowgill re T. & S. 5210, J. H. Parker, La Grande district.

Monday, December 28, 1908, Headquarters:

Motion for oral dep. W. F. Allen re H. E. 13221; same re H. E. 14032; Sp. A. Z. Hinshaw re H. E. 7826; Sp. A. Wm. McHardy re H. E. 7826; Sp. A. H. Holman re H. E. J. H. Dunn; Sp. A. C. O. Tennis re H. E. 14361; Sp. A. W. V. Fuller re H. E. 14361; Sp. A. P. Chatterton re H. E. 13221; Sp. A. W. F. Allen re H. E. 14032 & 13221; all Portland series.

Tuesday, December 29, 1908, Headquarters:

Sent registered letter notice to B. F. Jones re H. E. 13221, stamp, \$.08. Sent registered letter notice to Geo. Strong re H. E. 14032, stamp, .08. Wrote Albert Wilt re his H. E. 13735. Applied for com. to take depositions re H. E. 13735. Sp. A. for Lee Wade re H. E. P. H. Sroat. Sp. A. for Robt. Ironson re H. E. P. H. Sroat. Trans. S. A.'s to postmasters at Toledo & Siletz, Ore., resply. Sp. A. A. W. McFarland re H. E. 7895, The Dalles dist. All except H. E. 7895, The Dalles, Ore., being in Portland land dist.

Cases examined (misc.), good, 1. Cases reported (misc.), good, 1. Letters, 6.

Wednesday, December 30, 1908, headquarters:

Wrote L. R. Glavis re H. E. 16184, F. P. Hoy, Portland series. Wrote G. E. Lyne re H. E. 14731, W. Bones, Portland series. Wrote W. H. Holmes re H. E. 14361, G. B. Smith, Portland series. Sp. A. A. L. Stephens re H. E. 14371, W. Bones, Portland series. Attended taking deposition of Lewis F. Mason re T. & S. 2223, The Dalles series.

Thursday, December 31, 1908, headquarters:

Testified by deposition re H. E. 10520, S. A. Scott, The Dalles, Ore. Sp. A. W. F. Allen re H. E. 14032, Portland series. Sp. A. Wm. McHardy re H. E. 14377. Sp. A. B. Hinshaw re H. E. 14377. Sp. A. C. O. Tennis & W. V. Fuller re H. E. 14361, G. B. Smith. Sp. A. P. Chatterton re H. E. 13221. Sp. A. W. F. Allen re H. E. 13221. Sp. A. H. Holman re H. E. J. H. Dunn, all Portland land dist.; trans. said Sp. A.'s by letter to respective postmasters. Wrote E. C. Elkins re H. E. 11002, F. Shambeau, The Dalles series.

### *Daily reports, January, 1909.*

[All signed "Horace Tillard Jones, special agent."]

Friday, January 1st, 1909, headquarters:

Sp. A. for W. A. McClintock re H. E. 14731, Portland series. Sp. A. for E. W. Morrison re H. E. 14731, Portland series. Sp. A. for J. Stevens re H. E. 14731, Portland series. Sp. A. for A. L. Stevens re H. E. 14731, Portland series. Transm. Sp. A. for Perry Blue to P. M. at Scio, Ore. Wrote B. Willson re H. E. 11002, The Dalles district. Wrote E. C. Elkins re H. E. 11002, The Dalles district.

Saturday, January 2, 1909, headquarters:

Gave deposition re H. E. G. A. Dane, The Dalles series. Took depositions A. W. Lafferty re H. E. 14032-7826, 13221-14965, 14361. Took deposition Joseph Mossi re H. E. 14965. All in Portland, Ore., series.

Sunday, January 3, 1909, headquarters:

Paid Powers & Estes, Portland, Ore., for one bottle fountain pen ink and holder for same, for use in field, \$.95. Arranging Sp. A.'s, checking witnesses served, and arranging papers in hearings for Jan. & Feb., 1909.



Monday, January 4, 1909, headquarters to Dallas, Ore.:

Lv. Portland, Ore., 7.40 a. m.; ar. Dallas, Ore., 11.05 a. m. via S. P. R. R.: fare for round trip, \$3.80; covered by T. R. 1517. One street car fare from hotel to depot in Portland, Ore., \$.05; to Pacific Tel. & Tel. Co., phone message from Dallas, Ore., to W. H. Holmes, Salem, Or., .25; wrote two letters to W. C. Bennett & one to W. Wright in re H. E. 14965, Portland series; registered each letter; three stamps @ 8 cts. each, \$.24. Conducting hearing in U. S. vs. H. E. 14442, R. Paul, Portland, Ore., series.

924 Tuesday, January 5, 1909, Dallas, Ore.:

Conducting hearing in U. S. vs. H. E. 14377, Joseph Crowther, Portland, Ore., series.

Wednesday, January 6, 1909, Dallas, Ore.:

Conducting hearing in U. S. vs. H. E. 14388, James H. Dunn, Portland, Ore., series.

Thursday, January 7, 1909, Dallas, Ore.:

Conducting hearing in U. S. vs. H. E. 14965, W. H. Batz, Portland, Ore., series.

Friday, January 8, 1909, Dallas, Oregon:

Interviewing witnesses in re H. E. 14361, Q. B. Smith. Awaiting appearance of attorney in re said Smith hearing. Case continued to Jan. 9th, 1909. Sent telegram via W. U. T. Co. to J. Frey, Newport, Ore., \$.20; sent telegram via W. U. T. Co. to F. H. McDonald, Newport, Ore., .20; sent telegram via W. U. T. Co. to P. Chatterton, Newport, Ore., .20; sent telegram via W. U. T. Co. to E. C. J. Smith, Newport, Ore., .20; sent special delivery letter to J. Frey, Newport, Ore., stamp, .10; sent special delivery letter to E. C. J. Smith, Newport, Ore., stamp, .10; sent special delivery letter to P. Chatterton, Newport, Ore., stamp, .10; said letters and telegrams being in re H. E. 13221, Portland series.

Saturday, January 9, 1909, Dallas, Ore., to Portland:

Conducted hearing in re U. S. vs. Q. B. Smith, H. E. 14361, and in re U. S. vs. A. Z. Knobel, H. E. 15741, Portland series. Lv. Dallas, Ore., 2.20 p. m. on return ticket via S. P. R. R.; ar. Portland, Ore., 5.50 p. m. One street car fare from depot to hotel in Portland, Ore., \$.05.

Sunday, January 10, 1909, headquarters.

Monday, January 11, 1909, hearing at headquarters:

Conducted hearing before register and receiver in case of D. McEachern vs. U. S., involving his H. E. 11223. Conferring with Forest officers concerning pending hearings on lands in Forest Reserves.

Tuesday, January 12, 1909, headquarters:

Conferring with R. A. Miller, atty. for A. Z. Knobel, H. E. 15741, as to taking depositions. Conferring with A. I. Moulton, atty. for P. H. Sroat, H. E. 11841, as to taking deposition certain witnesses. Conferring with Ralph Coan, atty. for J. M. Wilson, H. E. 9408; W. J. Shay, 16203; C. Burn, 16176; and D. W. McGill, 9891, Portland land district. Conferring with Sanderson Reed in re H. E., C. D. Ward, The Dalles district.

Wednesday, January 13, 1909, Portland to Toledo, Ore.:

Lv. Portland, Ore., 8.15 a. m.; ar. Toledo, Ore., 6.40 p. m. via S. P. and C. & E. R. R. Fare by T. R. 1518 (\$5.45); no return ticket. One street-car fare in Portland, Ore., \$.05.

Thursday, January 14, 1909, Toledo, Ore.:

Conducted hearing in U. S. vs. L. W. Williams, H. E. 13221. Started hearing in U. S. vs. E. Olson, H. E. 16473 at 7.30 p. m.

Friday, January 15, 1909, Toledo, Ore.:

Conducting hearing in U. S. vs. E. Olson, H. E. 16473, until midnight.

Saturday, January 16, 1909, Toledo, Ore.:

Finished hearing in U. S. vs. E. Olson at 12.15 a. m. Conducted hearing in U. S. vs. Wellington Wright, H. E. 14032, and completed same.

Sunday, January 17, 1909, Toledo, Ore.:

Making estimate of expenses in hearings at Toledo, Ore. Paid W. U. T. Co., telegram to A. I. Moulton, Portland, Ore., \$.20. Prepared motion for oral deposition of G. E. Leach, F. Yack, and C. Shortridge, re H. E. 15741, A. Z. Knobel. Prepared oral deposition or motion for same for E. Hirsch, P. H. Raymond and A. M. Gilbert, re H. E. 11841, P. H. Sroat and transmitted same with letter to R. & R., Portland, Ore. Wrote C. R. Pierce, Forest Service, re H. E. 15741, A. Z. Knobel. Wrote W. H. Holmes, re H. E. 14361, Q. B. Smith.

Monday, January 18, 1909, Toledo, Oregon:

Paid R. A. Arnold, Toledo, Ore., for serving spa. on L. Wade, re H. E. 11841, \$1.00; paid G. E. Lyne, Kernville, Ore., for serving spa. on E. W. Morrison & J. Stephens, re H. E. 14032, \$2.00; paid G. E. Lyne, Kernville, Ore., for serving spa. on G. E. Lyne

& J. T. Dickens, re H. E. 14731, \$2.00. All Portland, Ore., series. Awaiting appearance of claimant & witnesses re H. E. 11841, Portland series.

Tuesday, January 19, 1909, Toledo, Ore.:

Conducted hearing U. S. vs. H. E. 14731. Made motion for continuance re H. E. 11841, to Feb. 3, 1909.

Wednesday, January 20, 1909, Toledo, Oreg.:

Conducted hearing in U. S. vs. H. E., W. L. Johnson. Sent telegram via W. U. T. Co. by W. E. Peterson, agent, Toledo, Ore., to A. I. Moulton, Portland, Ore., re H. E. 11841, \$2.00.

925 Thursday, January 21, 1909, Toledo, Ore., to Portland, Ore.:

Lv. Toledo, Ore., 7.15 a. m. via S. P. & C. & E. R. R. on return ticket; ar. Portland, Ore., 5.30 p. m. One street car fare in Portland, Ore., \$.05.

Friday, January 22, 1909, Headquarters:

Attending to taking of deposition A. W. Morgan re H. E. 16142, D. W. McGill & H. E. 16176, C. Burn, Portland, Ore., series.

Saturday, January 23, 1909, Headquarters:

Conducted taking of deposition A. W. Morgan re H. E. 16203, W. J. Shea, and C. E. 9408, J. M. Wilson, Portland, Ore., series.

Sunday, January 24, 1909, headquarters.

Monday, January 25, 1909, headquarters:

Conducting taking of deposition W. J. Stillwell re H. E. 16142 & C. C. E. 9408, Portland series. Wrote separate letters to chief field div. 1 in following cases: H. E. 13735, A. Welt; W. L. Johnson; 14731, W. Bones; 12841, P. Sroat; 14032, W. Wright; 16473, E. Olsen; 13221, L. W. Williams; 15741, A. Z. Knobel; 14361, L. B. Smith; 14965, W. H. Butz; 14388, J. H. Dunn; 14377, J. Crowther; 14442, R. Paul, all in Portland, Ore., land district; 11223, D. McEachern, Portland, Ore., land district.

Tuesday, January 26, 1909, headquarters:

Completed taking deposition of W. J. Stillwell, re H. E. 9408 J. M. Wilson. Conducting hearing in U. S. vs. J. M. Wilson, H. E. 9408 Cash. Portland, Ore., series.

Wednesday, January 27, 1909, headquarters:

Conducting hearing in U. S. vs. J. M. Wilson, H. E. (C. C. E.) 9408. Portland, Ore., series.

Thursday, January 28, 1909, headquarters:

Conducting hearing in U. S. vs. J. M. Wilson, C. C. E. 9408, Portland, Ore., series.

Friday, January 29, 1909, headquarters:

Conducting hearing in U. S. vs. J. M. Wilson, C. C. E. 9408, Portland, Ore., series. Made out application for commission to take oral dep. witnesses re H. E. 15741, A. Z. Knobel & H. E. W. L. Johnson, Portland series, and served copy on R. A. Miller, atty. for both defts.

Saturday, January 30, 1909, headquarters:

Conducting hearing re H. E. 16203, W. J. Shay, Portland, Ore., series. Paid following postmasters for serving spas. in hearings: C. G. Coad, Dallas, Ore., re H. E. 14361, two witnesses, Portland, Or., series, \$2.00; C. G. Coad, Dallas, Ore., re H. E. 14377, one witness, Portland, Or., series, \$1.00; C. G. Coad, Dallas, Ore., re H. E. 14388, one witness, Portland, Or., series, \$1.00; C. G. Coad, Dallas, Ore., re H. E. 14388, one witness, Portland, Or., series, \$1.00; C. G. Coad, Dallas, Ore., re H. E. 14377, one witness, Portland, Or., series, \$1.00; C. G. Coad, Dallas, Ore., re H. E. 14388, one witness, Portland, Or., series, \$1.00; M. L. Thompson, Falls City, Ore., re H. E. 14361, one witness, Portland, Or., series, \$1.00; M. L. Thompson, Falls City, Ore., re H. E. 14442, one witness, Portland, Or., series, \$1.00; M. L. Thompson, Falls City, Ore., re H. E. 14388, one witness, Portland series, \$1.00; M. L. Thompson, Falls City, Ore., re H. E. 14442, one witness, Portland series, \$1.00; M. L. Thompson, Falls City, Ore., re H. E. 14442, one witness, Portland series, \$1.00; H. L. Thompson, Falls City, Ore., re H. E. 14388, one witness, Portland series, \$1.00; M. L. Thompson, Falls City, Ore., re H. E. 14377, one witness, Portland series, \$1.00; E. Gellanders, Meacham, Ore., re H. E. 318, one witness, La Grande series, \$1.00; E. Gellanders, Meacham, Ore., re H. E. 341-762, one witness, La Grande series, \$1.00; J. T. Brown, Pendleton, Ore., re H. E. 722, one witness, La Grande series, \$1.00; J. B. Stanton, Nye, Ore., re H. E. 9902, three witnesses, La Grande series, \$3.00; J. H. Williams, Hermiston, Ore., re H. E. 14440, three witnesses, La Grande series, \$3.00; H. G. Carteel, Pilot Rock, Ore., one witness, H. E. 636, La Grande series, \$1.00; H. G. Carteel, Pilot Rock, Ore., one witness, H. E. 611, La Grande series, \$1.00; H. G. Carteel, Pilot Rock, Ore., one witness, H. E. 600, 793, La Grande series, \$2.00; J. A. Hubbard, McKay, Ore., one witness, H. E. 692, La Grande series, \$1.00; J. A. Hubbard, McKay, Ore., one witness, H. E. 341, 762, La Grande series, \$1.00; J. A. Hubbard, McKay, Ore., one witness, H. E. 491, La Grande series, \$1.00; J. A. Hubbard, McKay, Ore., one witness, H. E. 823, La Grande series, \$1.00; J. A. Hubbard, McKay, Ore., one witness, H. E. 810,

La Grande series, \$1.00; J. A. Hubbard, McKay, Ore., one witness, H. E. 341, 762, La Grande series, \$1.00; J. A. Hubbard, McKay, Ore., one witness, H. E. 810, La Grande series, \$1.00; J. A. Hubbard, McKay, Ore., one witness, H. E. 318, La Grande, Ore., series, \$1.00; J. A. Hubbard, McKay, Ore., one witness, H. E. 722, La Grande, Ore., series, \$1.00; W. S. Hall, Siletz, Ore., one witness, H. E. 12841, Portland, Ore., series, \$1.00; F. H. Lane, Newport, Ore., four witnesses, H. E. 13221, Portland, Ore., series, \$4.00; F. Wunder, sr., Hereford, Ore., four witnesses, T. & S. 5210, La Grande, Ore., series, \$4.00; total, \$47.00.

Sunday, January 31, 1909, headquarters:

Made out monthly account for January, 1909.

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*Daily reports, February, 1909.*

[All signed "Horace Tillard Jones, special agent."]

February 1st, 1909, headquarters:

Conducting hearing at U. S. Land Office in re U. S. vs. H. E. 16203 W. J. Shay, Portland, Ore., series.

Tuesday, February 2, 1909, headquarters:

Conducting hearing at U. S. Land Office, re U. S. vs. H. E. 16203 W. J. Shay, Portland series.

Wednesday, February 3, 1909, headquarters:

Conducting hearing at U. S. Land Office, re U. S. vs. H. E. 16176 C. Beem, Portland, Ore., series.

Thursday, February 4, 1909, headquarters:

Conducting hearing at U. S. Land Office, re H. E. 16176, C. Beem, Portland, Ore., series.

Friday, February 5, 1909, headquarters:

Conducting hearing at U. S. Land Office, re U. S. vs. H. E. 16142 D. W. McGill, Portland, Ore., series. Telegram via W. U. T. Co. to W. K. West, Pendleton, Ore., .25.

Saturday, February 6, 1909, headquarters:

Conducting hearing at U. S. Land Office, re U. S. vs. H. E. 16142 D. W. McGill, Portland, Ore., land district.

Sunday, February 7, 1909, headquarters to Pendleton, Ore.:

One street car fare from hotel to depot, Portland, Ore., \$.05. Lv. Portland, Ore., 9.15 a. m. via O., R. & N. Co., ar. Pendleton, Ore., 5.15 p. m., fare T. R. 1520 (\$6.85), no rebate for round trip. Seat in Pullman from Portland, Ore., to Pendleton, Ore., 1.25. Fee to porter between Portland & Pendleton, Ore., .25.

Monday, February 8, 1909, Pendleton, Ore.:

Conducting hearing in re U. C. E. 599 A. B. C. Eggerth. Signed stipulation re U. C. E. 717 and 474 of Emma Wright. Made motion for dismissal of case in re U. C. E. 691 L. M. McDonald, on account of default of deft.

Tuesday, February 9, 1909, Pendleton, Ore.:

Awaiting appearance of deft. in re U. S. v. U. C. E. 610 Alice Gard. Stipulated as to continuance until Feb. 11-09.

Wednesday, February 10, 1909, Pendleton, Ore.:

Conducting hearing in re U. S. vs. U. C. E. 636 of T. Campbell.

Thursday, February 11, 1909, Pendleton, Ore.:

Conducting hearing re U. S. vs. U. C. E. 692 Wm. Roberts and 722 U. C. Evarts.

Friday, February 12, 1909, Pendleton, Ore.:

Conducting hearing re U. C. E. 318 J. J. McConnell, U. C. E. 610, Alice Gard & U. C. E. 723 A. Hinkle.

Saturday, February 13, 1909, Pendleton, Ore.:

Conducting hearing re U. C. E. 611 Harold Stewart; conducting hearing re U. C. E. 691 Lemuel Donald; conducting hearing re U. C. E. 600, 793 C. C. Reinhardt. Paid W. U. T. Co. telegram from L. R. Glavis, \$.20. Paid W. U. T. Co. telegram to L. R. Glavis, \$.20. Paid Pacific Telephone & Telegraph Co. 'phone message to Y. T. Williamson, La Grande, Ore., \$.40.

February 14, 1909. Sunday, Pendleton, Ore.:

Telegram from L. R. Glavis, Portland, Ore., \$.020. Wrote chief ref. letters re following Umatilla cash entries: 599, A. B. C. Eggerth; 610, A. Gard; 636, T. Campbell; 722, V. C. Evarts; 318, J. J. McConnell; 723, A. Hinkle; 692, W. Roberts; 611, H. Stewart; 691, L. M. McDonald; 600, 793, C. C. Reinhardt; 341, 762, J. H. Walker. Also letter re H. E. 11168, F. L. Willis. Also separate and single letter re U. C. E. 298, 473, H. M. La Dow; 810, 775, P. M. O'Brien; 717, 474, E. Wright. Letters, 13.

Monday, February 15, 1909. Pendleton, Ore.

Wrote post-office at Nye, Ore., re H. E. 14902, T. B. Hopper, & H. E. 9902, C. Hayes. Wrote post-office, Echo, Ore., forwarding spas. re D. L. E. 313, H. J. Bean. Wrote post-office at McKay, Ore., re U. C. E. 692, Wm. Roberts. Wrote R. & R., La Grande, re H. E. 9625, B. Mackin, & 14439, V. O. Robinson, & 14440, G. R. Robinson. Wrote D. G. Smith re H. E. 14902, T. R. Hopper, registered stamp, \$0.08. Wrote B. Mackin re H. E. 9625. Trying to locate and interview M. M. Fix, re H. E. 8208, H. Carr. Registered letter to chief, \$0.08. Took afdvt. C. R. Steller re H. E. 14529, J. A. Jones. All said entries being in La Grande land district. Interview, 1; letters, 6.

Tuesday, February 16, 1909. Pendleton, Ore.:

Conducting taking of deposition J. W. Ellis, re H. E. 11937, J. D. Moyers. Interviewed Pearl Wilson, Pendleton, Ore., re H. E. 14529, J. A. Jones. Took afdvt.

F. Duprat re H. E. 14529, J. A. Jones. Conferring with J. A. Fee re stipulation 927 in case of U. C. E. 823, O. C. Van Orsdall, & 491, P. L. Van Orsdall. Paid W. U. T. Co. telegram to F. C. Bramwell re H. E. 11168, \$0.20. Said entries all being in La Grande, Ore., land district. Affidavit, 1; interview, 1.

Wednesday, February 17, 1909, Pendleton, Ore.:

Cases examined: Entries, good, 2; bad, 1. Affidavit, 1; interviews, 4.

Thursday, February 18, 1909, Pendleton, Oregon:

Conducted hearings in re U. C. E. 823, O. C. Van Orsdall, & U. C. E. 491, P. L. Van Orsdall, La Grande, Oregon, land district.

Friday, February 19, 1909, Pendleton, Oregon:

Lv. Pendleton, 8.30 a. m. Made field exam. U. C. E. 299, W. Collier. Interviewed Al Barnes, Ed. Myers, & Mr. Fisher in re said U. C. E. 299 "doubtful." Returned to Pendleton at 5.30 p. m. Team hire, \$5.50. To W. U. T. Co., telegram from L. R. Glavis, \$0.20. To W. U. T. Co., telegram to L. R. Glavis, \$0.20.

Saturday, Feby. 20, 1909, Pendleton, Ore.:

Conducting hearing re H. E. 11168 F. L. Willis, D. L. E. 370. R. J. Slater & H. E. 11236 N. Howland. Took afdvt. Dell Davis re his U. C. E. 300. All entries in La Grande, Ore., land district.

Sunday, Feby. 21, 1909, Pendleton, Oregon. Sunday.

Monday, Feby. 22, 1909, Pendleton, Ore.:

Wrote separate letters to chief field div. in re H. E. 12841—P. H. Trout—Corning & Corning—H. E.—F. P. Hoy—H. E. 16176 C. Burn, H. E. 16142 D. W. McGill, all Portland series. U. C. E. 823 O. C. Vanorsdall, U. C. E. 491 P. L. Vanorsdall, U. C. E.—P. M. O'Brien, H. E. 11168 F. L. Willis, D. L. E. 370 R. J. Slater. All La Grande, Ore., series.

Telephone message via P. S. T. T. Co. to B. H. Fox, Pilot Rock, Ore., \$.25. Took afdvt. John Cross re H. E. 14529 J. A. Jones, La Grande series.

Tuesday, Feby. 23, 1909, Pendleton, Ore.:

Conducting hearing re D. L. E. 313 H. J. Bean.

Wednesday, February 24, 1909, Pendleton, Ore.:

Conducting hearing re D. L. E. 313 H. J. Bean.

Thursday, February 25, 1909, Pendleton, Ore.:

Conducting hearing re D. L. E. 313 H. J. Bean, La Grande series. Continued case over to March 5, 1909. Took afdvt. T. D. Myers corroborated by A. I. Barnes & Ed. Myers, re U. C. E. 299 Wm. Collier, La Grande series. W. U. T. Co. telegram to L. R. Glavis, \$.23. W. U. T. Co. telegram from L. R. Glavis, \$.26. W. U. T. Co. telegram to Charles Hays, \$.31.

Friday, February 26, 1909, Pendleton, Ore.:

Lv. Pendleton, Ore., 8 a. m.; ar. Hermiston, Ore., 9.30 a. m., via O. R. & N. Co.; fare, no rebate for round trip, \$1.15. Conducting hearing in re U. S. v. G. R. Robinson & O. O. Robinson. H. E. 14439 & 14440, La Grande series, respectively.

Saturday, February 27, 1909, Pendleton, Ore.:

Lv. Hermiston, Ore., 1.20 a. m.; ar. Pendleton, Ore., 3 a. m., via O. R. & N. Co.; fare, \$1.15. Conducting hearing re H. E. 14902, T. R. Hopper, L. G. series. Continued same over to Mar. 2, 1909.

Sunday, February 28, 1909, Pendleton, Ore.:

Took afdvt. B. H. Fix, re H. E. 8208, H. F. Carr, La Grande series. Made out expense account for February. Paid following vouchers: Squire Farrar, Salem, Ore., 3 wit. re H. E. 12841, Portland series, \$3.00. Robt. Walker, Bandon, 2 wit. re H. E. 13221 L. W. Williams & 14032 W. Wright, \$2.00. J. F. Brown, Pendleton, re U. C. E. 723, D. L. E. 370, & H. E. 14902, all La Grande series, \$7.00. Mrs. J. A. Hubbard, one witness re U. C. E. 610 La Grande, Ore., \$1.00. W. C. Bennett, Siletz, Ore., 2 wit. re H. E. 14965, W. H. Butz, Portland series.

## Daily reports, March, 1909.

[All signed "Horace Tillard Jones, special agent."]

Monday, March 1st, 1909, Walla Walla, Wash.:

Conducting hearing in matter of homestead entry 9625, of Bernard Mackin, La Grande, Oregon, land district.

Tuesday, March 2, 1909, Walla Walla, Wn., to Pendleton, Ore.:

Bus fare at Walla Walla, Wn., depot to hotel & return, \$.25. Lv. Walla Walla, Wn., 9 a. m.; ar. Pendleton, Ore., 11.20 a. m. via O. R. & N. Co., fare (T. R. 1521, \$1.40), No. R. T. Wrote Chief Field Div. separate letter in following cases: H. E. 9902, C. Hays; 14440, G. R. Robison; 14439, O. O. Robison; 9625, B. Mackin; 11236, N. Howland. Also single letter embracing following entries: D. L. E. 313 H. J. Bean, U. C. E. 341-762 J. H. Walker, H. E. 14902 T. R. Hopper, H. E. 9625 B. Mackin, all in La Grande series. Wrote re A. W. Lafferty, H. E. 14032 W. Wright, Portland series.

Wrote F. C. Bramwell, La Grande, Ore., re blank subpoenas.

928 Wednesday, March 3, 1909, Pendleton, Oregon:

Completed hearing in case of U. S. vs. H. E. 14902 T. R. Hopper.

Thursday, March 4, 1909, Pendleton, Ore.:

Wrote J. T. Williamson, La Grande, Ore., re H. E. 14440 G. R. Robison. Made letter report to L. R. Glavis re hearing in H. E. 149042 T. R. Hopper. Conducting hearing re Umatilla C. E. 341 J. H. Walker. Wrote L. R. Glavis re hearing in H. E. 11236 N. Howland, all in La Grande, Ore., land district.

Friday, March 5, 1909, Pendleton, Ore.:

Completed hearing re U. C. E. 341 J. H. Walker. Resumed hearing in re D. L. E. 313 H. J. Bean, case continued over from Feb. 25th, 1909. All La Grande, Ore., land district. Wrote C. R. Pierce, Portland, Ore., re L. N. Fletcher. Wrote L. R. Glavis re hearing in U. C. E. 341 J. H. Walker. Wrote G. L. O. in re vouchers for witnesses in J. H. Walker case. Wrote L. R. Glavis, Portland, Ore., in re L. N. Fletcher.

Saturday, March 6, 1909, Pendleton, Ore.:

Resumed hearing in re D. L. E. 313 H. J. Bean, La Grande, Ore., series. Case continued to March 8th, 1909.

Sunday, March 7, 1909, Pendleton, Oregon.

Monday, March 8, 1909, Pendleton, Ore.:

Conducting hearing re D. L. E. 313, of H. J. Bean, La Grande, Oregon, land district.

Tuesday, March 9, 1909, Pendleton, Ore.:

Conducting hearing in re D. L. E. 313, of H. J. Bean, La Grande, Ore., land district.

Wednesday, March 10, 1909, Pendleton, Ore.:

Conducting hearing in re D. L. E. 313, H. J. Bean, La Grande, Ore., district.

Thursday, March 11, 1909, Pendleton, Ore., to La Grande, Ore.:

W. U. T. Co., telegram to J. T. Hinkle, Grangeville, Idaho, 70; advt. A. Renard and A. T. Perkins, re U. C. E. of E. L. Smith. Lv. Pendleton, Ore., 5.15 p. m., ar. La Grande, Ore., 9 p. m. via O. R. & N. Co., round trip fare (T. R. 1522, \$4.40). Seat in observation car from Pendleton, Ore., to La Grande, Ore., .50. Total, \$1.20.

Friday, March 12, 1909, La Grande, Ore., to Pendleton, Ore.:

At U. S. Land Office, La Grande, Ore., getting status of homestead T. & S., D. L. E. & unlawful enclosures for field investigation. Wrote L. R. Glavis in re L. S. 14150, Santa Fe Pacific R. R. Co. Wrote L. R. Glavis in re L. S. 8289, E. B. Perrin. Wrote L. R. Glavis in re L. S., W. F. Baker. Wrote L. R. Glavis in re L. S., Frd. Ld. Ent. 45, N. P. R. R. Co. Wrote L. R. Glavis in re L. S., H. E. 15268, J. W. Chapman. Wrote L. R. Glavis in re L. S., H. E. 12480, J. M. Lundy, all in La Grande, Ore., series. Lv. La Grande, Ore., 8 p. m., ar. Pendleton, Ore., 11.05 p. m., on return ticket.

Saturday, March 13, 1909, Pendleton, Ore.:

Took advt. C. C. Rogers & Albert Moody, both of Pendleton, Ore., in re U. C. E. 330, of E. L. Smith, La Grande, Ore., series.

Sunday, March 14, 1909, Pendleton, Ore.

Monday, March 15, 1909, Pendleton, Ore., to Hermiston, Ore.:

Affidavit, 1.

Tuesday, March 16, 1909, Hermiston, Irigoin, &amp; Umatilla, Ore.:

Cases examined: Entries, 2; misc., 1.

Wednesday, March 17, 1909, Umatilla to Hermiston, Ore.:

Made out schedule of improvements, etc., under Oregon state list No. 3, Carey Act, project under Brownell desert land reclamation project. Lv. Umatilla, Ore., 3.05 p. m., ar. Hermiston, Ore., 3.30 p. m. via O. R. & N. Co., fare (no R. T.) \$20.

Affidavits, 1.

Thursday, March 18, 1909, Hermiston, Ore., to Pendleton, Ore.:

Lv. Hermiston, Ore., 1.20 a. m., ar. Pendleton, Ore., 2.55 a. m. via O. R. & N. Co., on return ticket. At office recorder for Umatilla County, Ore., examining records

for conveyances by H. D. Mapes and 12 others of lands under investigation by field service. Conferring with J. T. Hinkle re testimony in hearing vs. D. L. E. 313, of H. J. Bean, La Grande, Ore., dist., from 6 p. m. to 10 p. m.

Friday, March 19, 1909, Pendleton, Ore., to Juniper, Ore.:

Wrote La Grande land office in re H. E. 10832 W. Lindsey. Wrote La Grande land office in re H. E. 14077 R. McCoy. Wrote La Grande land office in re H. E. ——— F. C. George. Wrote Chief Field Div. re fees to L. N. Fletcher, re H. E. 16473 Portland series. Wrote postmaster at Long Creek, Ore., re whereabouts of one Carter Mitchell. Lv. Pendleton, Ore., 1 p. m. Drove to Juniper, Ore., ar. 6 p. m. Took afdvt. C. C. Medley, re H. E. 10832 W. Lindsey.

Saturday, March 20, 1909, Juniper, Ore., to Helix, Ore.:

Lv. Juniper, Ore., 7 a. m. Took afdvt. T. McDowell, re H. E. 10832 W. Lindsey. Took afdvt. Emerson, re same. Made field exam. H. E. 10832 W. Lindsey "bad."

Ar. Helix, Ore., 7.30 p. m.

929 Sunday, March 21, 1909, Helix, Ore., to Pendleton, Ore.:

Lv. Helix, Ore., 8.30 a. m. Drove to Pendleton, Ore., arriving at 12.00 m.

Team hire, \$11.70.

Monday, March 22, 1909, Pendleton, Ore.:

Appeared before referee pursuant to adjournment in re D. L. E. 313 H. J. Bean. Case continued, on motion of defendant, till Mar. 25, 1909. Conferring with J. T. Hinkle, W. C. Drowley, and O. D. Teel, in reference to rebuttal testimony to be submitted in H. J. Bean case. Wrote L. R. Glavis, in re D. L. E. 313 H. J. Bean, H. E. 10832 W. Lindsey, and U. S. Commissioner John Hailey.

Tuesday, March 23, 1909, Pendleton, Ore.:

Served subpoena on A. Laing, a witness in re D. L. E. 313 Bean. Interviewed R. E. Grossehmig in re above homestead entries, all being in La Grande, Ore., land district. Cases examined: Entries, good 3, bad 1.

Wednesday, March 24, 1909, Pendleton, Ore.:

Affidavits, 5; interviews, 1.

Thursday, March 25, 1909, Pendleton, Ore.:

Resumed hearing in re D. L. E. 313, Henry J. Bean, La Grande, Ore., land district.

Friday, March 26, 1909, Pendleton, Ore.:

Conducting hearing in case of U. S. vs. H. J. Bean, D. L. E. 313, La Grande, Ore., land district.

Saturday, March 27, 1909, Pendleton, Ore.:

Conducting hearing in case of U. S. vs. H. J. Bean, D. L. E. 313, La Grande, Oregon, land district. Government rests. Affidavits, 5.

Sunday, March 28, 1909, Pendleton, Ore.: Sunday.

Monday, March 29, 1909, Pendleton, Ore.:

Took affidavit of M. M. Myers in re U. C. E. 330, E. L. Smith, La Grande, Ore., land district. Conducting hearing in case of U. S. vs. D. L. E. 313 of H. J. Bean, La Grande, Oregon, land district. Defense rests, but reserves right to put photograph of contract in evidence.

Tuesday, March 30, 1909, Pendleton, Ore.:

Affidavits, 2.

Wednesday, March 31, 1909, Pendleton, Ore.:

Made out monthly account for March. Conferring with U. S. Commr. John Hailey in re hearings. Interviews, 2.

#### *Daily reports, April, 1909.*

[All signed "Horace Tillard Jones, special agent."]

Thursday, April 1st, 1909, Pendleton, Ore., to Heppner, Ore.

Phone message to O. D. Teel at Echo, Ore., fr. Pendleton, \$25. Lv. Pendleton, Ore., 8 a. m.; ar. Heppner, Ore., 5 p. m., via O. R. & N., T. R. 11929; \$2.75; no return ticket.

Friday, April 2, 1909, Heppner, Ore., to Galloway, Ore., and return.

Cases examined: Entries, bad, 1.

Saturday, April 3, 1909, Heppner, Ore.

Cases examined: Entries, bad, 4. Interviews, 1.

Sunday, April 4, 1909, Heppner, Ore.

Sunday.

Interviews, 1.

Monday, April 5, 1909, Heppner, The Dalles, and Portland, Ore.

Lv. Heppner, Ore., 8.10 a. m., ar. The Dalles, Ore., 1.30 p. m. via O. R. & N. Co.; fare, round trip (T.R. 11930, \$6.50). Conferring with W. H. Walpole, of Oregon Land

and Water Co., in re DLE 302, J. W. Walling; DLE 314, F. B. Holbrook; and 313, E. C. Holbrook, all in The Dalles, Ore., land district. At U. S. Land Office, The Dalles, Ore., getting status of above desert land entries; also of H. E. 11969, S. G. Moorefield, all in The Dalles, Ore., land district. Lv. The Dalles, Ore., at 5.30 p. m., ar. Portland, Ore., 8.50 p. m. via O. R. & N. Co.; round trip fare, \$4.00. Seat in Pullman car, The Dalles, Ore., to Portland, Ore., .50.

Tuesday, April 6th, 1909, Portland, Ore.

Wednesday, April 7, 1909, Portland, Ore.

Conferring with chief first field div. in re hearings in La Grande, Ore., land district. Interviewed J. F. Shields in re D. L. E. 302-313, L. G., Ore., dist.

Thursday, April 8, 1909, headquarters:

Made favorable report to G. L. O. on contest application of M. M. Fix vs. H. E. 8208, H. F. Carr, La Grande, Ore., land district.

Cases reported: Miscellaneous, good, .20; interviews, 1.

930 Friday, April 9, 1907, Portland, Ore., to Heppner, Ore.:

Transfer baggage from home to depot, Portland, Ore., \$.50. Lv. Portland, Or., 7.45 a. m.; ar. Heppner, Ore., 5 p. m. via O. R. & N. Co. on return tickets. Transfer baggage from depot to hotel, Heppner, Ore., \$.25.

Saturday, April 10, 1909, Heppner, Oregon:

Affidavits, 4; interviews, 2.

Sunday, April 11, 1909, Heppner, Ore.:

Sunday.

Monday, April 12, 1909, Heppner, Ore.:

Wrote chief in re H. E. 8655, mining app. 359, H. E. 12178, D. L. E. 546, H. E. 12296, mining entry 264, H. E. 0727. Wrote P. M. at Elgin, Ore., re H. E. 11862, La Grande, Ore., series. Took statement Mrs. L. E. Cohn re H. E. 9241, which she refused to sign. Interviewed Safrona Neel re H. E. 9241. Searching county records in re H. E. 9241, 14578, 13771, 10691, 8182, 14805, 9742, 8398, 12186, 8530, 15025, 9508, La Grande, Ore.

Tuesday, April 13, 1909, Heppner, Ore.:

Conducting hearing in re H. E. 15597, A. W. Stone, La Grande, Ore., series. Reported same to chief first field div. with all vouchers. To W. U. T. Co. telegram from chief first field div. \$.20. Wrote F. C. Bramwell, register, La Grande land office in re hearings for April.

Wednesday, April 14, 1909, Heppner, Ore.:

Conducting hearing in re H. E. 10751, M. E. Norton, The Dalles, Ore., land district. Made letter report to chief as to said hearing & sent all vouchers & files.

Thursday, April 15, 1909, Heppner, Ore.

Conducting hearing H. E. 8535, L. G. Dist. Took afdvt. Robt. Dexter & of A. S. Burch in re H. E. 8281, E. Stevenson. Reported hearing vs. H. E. 8535 with vouchers & files to Chief Field Div., by letter.

Affidavits, 2; interview, 1; letter, 1.

Friday, April 16, 1909, Heppner to La Grande, Ore.

Baggage from hotel to depot, Heppner, Ore., \$.25. Lv. Heppner, Ore., 8.10 a. m. Ar. La Grande, Ore., 8.30 p. m. via O. R. & N. Co., fare (T. R. 11931—\$5.95). Seat in Pullman from Pendleton, Ore., to La Grande, Ore., .50. Baggage from depot to hotel, La Grande, Ore., .25.

Saturday, April 17, 1909, La Grande, Ore.

Conducting hearing in re mineral application No. 359 Ancora-Ashland Mining and Mineral Co.

Sunday, April 18, 1909, La Grande, Ore.

Reported by letter to chief, hearing in re Min. App. 359. Wrote chief in re deposition of B. L. Wheeler in re Min. App. 264. Wrote chief re hearing on H. E. 11771, J. McCullough. Wrote chief re H. E. 14370, J. R. Shipp. Paid W. U. T. Co. telegram to chief at Portland, Ore., \$.35. Conferring with Henry Ireland, forest supervisor, in re Min. App. 264, Danies M. & M. Co., & also in re H. E. 8655, A. B. Noble, L. G. series.

Monday, April 19, 1909, La Grande, Ore.

Conducting hearing in re H. E. 8655, A. B. Noble. Wrote chief in re deposition of A. P. Cowgill on D. L. E. 546, & T. & S. O. 2727, La Grande, Oregon, series. Western Union Telegraph Co., message from chief, \$.22.

Tuesday, April 20, 1909, La Grande, Ore.:

Conducting hearing in re H. E. 15039. Reported same by letter to chief. Telephone message to postmaster at Elgin, Oregon, \$.15. Telephone message from postmaster at Elgin, Oregon, \$.15. Wrote chief in re hearing in H. E. 8535, The La Grande series. Wrote letter to Frank Saling, Pendleton, Ore., in re heirs of Samuel Page. Wrote U. S. Attorney, Portland, Oregon, in re Nels C. Nelson. Wrote Mrs. Luella Wade, Wallowa, Oregon, in re H. E. 1177, La Grande, Ore., series.

Wednesday, April 21, 1909, La Grande, Ore.

Wrote chief in re deposition R. P. Cowgill at Medford, Ore. Wrote county clerk, Canyon City, Ore., re heirs A. H. Davis. Wrote postmaster, Keating, Ore., re subpoena on M. K. Brown. Wrote chief in re F. D. C. 02707, 02427, 02917, asking that patent be withheld.

Thursday, April 22, 1909, La Grande, Ore.

(Duplicate.) Conducting hearing in re H. E. 11862, I. J. Elliott, reported said hearing to chief and sent him all papers and vouchers. Wrote chief in re H. E. of J. Powlukowski et al, Portland, Ore., series, 'phone message to Luella Wade, Canyon, Ore., including services of messenger, \$.91. Wrote witnesses in re H. E. 14370, La Grande series, advising them of change in date of hearing in said case.

Friday, April 23, 1909, La Grande, Ore.

931 (Duplicate.) Conducting hearing in re H. E. 11717, J. McCulloch, La Grande series. Interviewed Sam Clay, Al. Graham, Luella Wade, and Ed. Lovely, witnesses, preparatory to placing them on stand.

Saturday, April 24, 1909, La Grande to Joseph, Ore.

Reported hearing in re H. E. 11717, J. McCulloch, to chief. Wrote chief supplemental letter on D. L. C. 02427, J. F. McNaught. Baggage from hotel to depot at La Grande, Ore., \$.25. Lv. La Grande, Ore., 11.15 a. m., ar. Joseph, Ore., 6 p. m., fare via O. R. & N. R. R. (T. R. 11932, \$.50) and return.

Sunday, April 25, 1909, Joseph, Oregon:

Looking for W. J. Huffman & J. W. Needham, witnesses in re H. E. 12296, H. Mitchell, La Grande, Ore., series.

Monday, April 26, 1909, Joseph, Ore., to Enterprise, Ore.:

Lv. Joseph 7.15 a. m.; ar. Enterprise, Ore., 7.45 a. m., on return ticket, baggage, \$.25. Conducting hearing in re H. E. 11805, L. Wilson, La Grande, Ore., series.

Tuesday, April 27, 1909, Enterprise, Ore.:

Conducting hearing re H. E. 11805, L. Wilson; conducting hearing re 12296, H. Mitchell, both La Grande series. Paid W. C. Boatman for certified copies three deeds for use in hearing U. S. vs. L. Wilson H. E. 11805. Made letter report to chief in re H. E. 11805, L. Wilson, & 12296, H. Mitchell, hearings, with all vouchers and papers.

Wednesday, April 28, 1909, Enterprise, Ore., to La Grande, Ore.:

Baggage from hotel to depot at Enterprise, \$.25. Lv. Enterprise 7.30 a. m.; ar. La Grande 2.20 p. m., via O. R. & N. Co., on return ticket. Wrote Sam D. Clay, Luella Wade, & John Fisher in re hearing in H. E. 11717, J. McCulloch, La Grande series. Wrote chief in re A. B. Rogers of La Grande land office.

Thursday, April 29, 1909, La Grande, Ore., to Baker City, Ore.:

At U. S. land office, La Grande, Ore., getting status of entries as per letter "P" 55734 D. A. M. Lv. La Grande, Ore., 9.30 p. m.; ar. Baker City, Ore., 11.30 p. m., via O. R. & N.; fare, T. R. 11933 round trip, \$3.10; bus hire, depot to hotel & return, \$.25; Pullman from La Grande to Baker City, .25.

Friday, April 30, 1909, Baker City, Ore.:

Baggage from depot to hotel at Baker City, \$.25. Conducting hearing in re Davies Mining & Milling Co., mineral application 264, La Grande, Ore., series. Testified by deposition in re H. E. 13689, A. Berg; 13861, J. MacInnes, & 12973, N. Nelson, all The Dalles, Ore., land district. Prepared & sent to chief monthly expense account.

*Daily reports, May, 1909.*

[All signed "Horace Tillard Jones, special agent."]

Saturday, May 1st, 1909, Baker City, Ore.:

Conducting hearing re U. S. vs. T. & S. 02727, H. J. Evans, La Grande, Ore., land district. Telephone message to postmaster at Keating, Ore., \$.25; telephone message to B. L. Wheeler, Sumpter, Ore., \$.35. Wrote chief in re hearing in T. & S. 02727, H. J. Evans.

Sunday, May 2d, 1909, Baker City, Ore.:

Telephone message to chief at Portland, Ore., \$1.25. Wrote chief re heirs A. H. Davis. Wrote chief re heirs S. Page. Wrote chief re heirs Carter Mitchell. Wrote chief re H. E. 11805. Wrote chief re Min. App. 264, Darius M. & M. Co. Wrote F. C. Bramwell re D. L. E. 313, H. J. Bean. All in La Grande, Ore., land dist. Wrote Ed. Wright re H. E. 14713, B. Keenan, The Dalles, Ore., series. Wrote S. D. Clay re H. E. 11717, J. McCulloch, La Grande, Ore., series.

Monday, May 3, 1909, Baker City, Ore.:

Conducting hearing in U. S. vs. T. & S. 02727, H. J. Evans, La Grande, Ore., series.

Tuesday, May 4, 1909, Baker City, Ore.:

Conducting hearing re U. S. vs. T. & S. 02727, H. J. Evans, La Grande, Ore., series. Wrote chief in re T. & S. 5210, J. H. Parker, La Grande, Ore., series.



Wednesday, May 5, 1909, Baker City, Oregon:

Conducting hearing in U. S. vs. T. & S. 02727, H. J. Evans, La Grande, Ore., series.

Thursday, May 6, 1909, Baker City, Ore., to Pendleton, Ore.

Conducting hearing in U. S. vs. T. & S. 02727, H. J. Evans, La Grande, Ore., series. Baggage from hotel to depot at Baker City, Ore., \$.50. Lv. Baker City, Ore., 6.10 p. m., ar. La Grande, Ore., 8 p. m., on return ticket, via O. R. & N. Co. Lv. La Grande, Ore., 8.10 p. m., ar. Pendleton, Ore., 11.05 p. m., via O. R. & N. Co.; fare, \$2.20.

Friday, May 7, 1909, Pendleton, Ore.:

Wrote letter to chief in re hearing on T. & S. 02727, H. J. Evans. Wrote letter to chief in re H. E. 11717, J. McCulloch. Wrote letter to chief in re H. E. 11805, L. Wilson. All in La Grande, Ore., land office. Wrote F. L. Spaulding re H. E. 932 14371, W. Bones. Wrote chief re J. W. Draper hearing on disbarment. Wrote chief re expense of Ethel Graves, contest clerk. Wrote chief re H. E. 13244, W. L. Johnson. All Portland, Ore., land district. Made report to G. L. O. on La Grande, Ore., land office.

Saturday, May 8, 1909, Pendleton, Ore.:

Examining records Umatilla County, Ore., in re Maxwell Ditch Co. Instructing Special Agent P. E. Crowley. Agreed with S. A. Lowell, atty. for defense to stipulate cases in re U. C. E. 689, Alfred Tellman, U. C. E. 815, J. D. Rose. Conferring with R. J. Raley in re hearings in U. C. E. 570, Wm. Girton, U. C. E. 329, C. C. Foster, & U. C. E. 531, S. E. Darr. Conferring with S. A. Newberry in re H. E., Ralph Howland. All in La Grande, Ore., land district.

Monday, May 9, 1909, Pendleton, Ore.:

Telephone message to postmaster at McKay, Ore., \$.25. Telephone message to Geo. Adams at McKay, Ore., \$.25.

Sunday, May 10, 1909, Pendleton, Ore.:

Stipulated in re hearing in U. C. E. 815, J. D. Rose, & 689, A. Tellman, \$.25. Looking at assessments in re M. J. Jordan, H. E. 12360, F. Downey, H. E. 10650, E. S. Wilbur, H. E. 9840, & J. R. Shipp, H. E. 14370. Phone message to Newt Newton at Helix, Ore., \$.25. Conferring with U. S. Commr. J. Hailey, jr., in re cases set for hearing. Conferring with T. M. Kellar in re Umatilla lands. Conferring with B. F. Brown, witness, re H. E. 9840, E. S. Wilbur. Instructing Spl. Agt. R. E. Crowley in field work, etc.

Tuesday, May 11, 1909, Pendleton, Ore.:

Conducting hearing re H. E. 9840, E. S. Wilbur; reported same to chief, telephoned J. M. Schmitz, forest supervisor, Walla Walla, Wn., in re same. Made abstract title to land of Nels C. Nelson, in Tp. 35, R. 30 E. for U. S. atty. for Ore. Interviewed A. F. Michael in re application of Mary E. Michael et al., in re Umatilla lands. Transmitted papers in re H. E. 11101, E. O. Neill, to chief. All in La Grande, Ore., land district.

Wednesday, May 12, 1909, Pendleton, Ore.:

Conducting hearing in re H. E. 10650, Frank Downey. Conferring with James Lehman & T. L. Willoughby, witnesses before hearing. Stipulated with defense in re U. C. E. 329, C. C. Foster. All in La Grande, Ore., land district. Phone message to postmaster at McKay, Ore., \$.25.

Sent all papers in Downey & Foster cases to chief with letter. Instructing Special Agent R. E. Crowley in field work.

Thursday, May 13, 1909, Pendleton, Ore.:

Two interviews.

Friday, May 14, 1909, Pendleton, Ore.:

Lv. Vansycle 5 a. m. Made field exam. H. E. 15583, F. Odell, with R. E. Crowley, spl. agt. Took afdvt. said Odell & interviewed Eaton in re said entry; team hire, \$3.00. Lv. Vansycle 8.20 a. m.; ar. Pendleton 9.30 a. m., via N. P. R. R., fare .75. Wrote chief in re U. C. E. 531, S. E. Darr, 689, A. Tellman, 570 Wm. Girton. H. E. 12360, M. J. Jordan (4 letters). Instructing Spl. Agt. Crowley in running mortgage & deed indices in re D. L. E. 370 of Robert J. Slater et al. Paid phone message to John McCourt, \$.95. All in La Grande, Ore., land district.

Saturday, May 15, 1909, Pendleton, Ore.:

Wrote J. T. Williamson & M. J. Jordan re H. E. 12360 (two letters). Wrote chief in re cases L. G. 1153 & 1303. Lieu select., & H. E. 10650, F. Downey, U. C. E., 329, C. C. Foster (3 letters). Searching assessors records Umatilla County, Ore., re H. E. 10446, S. Anderson. Interviewed W. Klomker re H. E. 12256. Took afdvt. A. Linde-man re H. E. 11531. All in La Grande, Ore., land district.

Sunday, May 16, 1909, Pendleton, Ore.:

Took afdvt. of Walter Klomker in re H. E. 12256. La Grande, Ore., land district.

Monday, May 17, 1909, Pendleton, Ore.:

Wrote chief in re 136 miscellaneous cases assigned to me for investigation in La Grande, Ore., land dist. Wrote chief in re H. E. Ed. Patterson, The Dalles, Ore., series. Wrote chief in re H. E. Bob Thompson, The Dalles, Ore., series. One interview.

Tuesday, May 18, 1909, Pendleton, Ore., to Pilot Rock, Ore.:

Lv. Pendleton, Ore., 9 a. m. Ar. Pilot Rock, 10 a. m., via O. R. & N. Co.; fare (no rebate), \$.55. Conducting hearing in re U. S. vs. H. E. 14370 J. R. Shipp, La Grande, Oregon, land district.

Wednesday, May 19, 1909, Pilot Rock to Pendleton, Ore., Pendleton, Ore., to Baker City, Ore.:

Conducted hearing in H. E. 12360, M. J. Jordan; sent papers & report to chief. Afdvt. A. Kunger in re H. E. 9681. Lv. Pilot Rock 2 p. m.; ar. Pendleton 3 p. m., via O. R. & N.; fare \$.55; lv. Pendleton, Ore., 5.30 p. m., ar. Baker City, Ore., 11 33 p. m., via O. R. & N. Co.; fare by T. R. 11934, \$3.80; no rebate for Rt. Pullman seat, .75. Round trip fare depot to hotel & return, Baker City, Ore., .25. Telegraph address for 20-21 will be Sumpter; mail address, Baker City.

Thursday, May 20, 1909, Baker City, Ore., to Sumpter, Ore.:

Transfer baggage from O. R. & N. depot to Sumpter Valley R. R. depot, \$.25; lv. Baker City 9.30 a. m.; ar. Sumpter, Ore., 11 a. m., via S. V. R. R., fare 1.25; transfer of baggage from depot to hotel at Sumpter, Ore., .25. Interviewed G. E. Allen & J. M. Jones in re H. S. C. E. 12851 of H. Howard, La Grande, Ore., series. Made field exam. of same. Wrote assayer, Seattle, Wash., re same. Wrote U. S. Atty. for Oregon in re same.

Friday, May 21, 1909, Sumpter, Ore., to Baker City, Ore.:

Took afdvts. J. M. Jones, D. L. Kilgore, A. J. Denny, & H. Howard in re I. & S. C. E. 12851 of H. Howard, La Grande, Ore., series. Interviewed manager Blue Mountain Eagle newspaper, Jas. W. Ball, U. S. Commissioner, and cashier First National Bank, Sumpter, Ore., in re said I. & S. C. E. 12851, H. Howard. Transfer of baggage hotel to depot, Sumpter, Ore., \$.25; lv. Sumpter, Ore., 4 p. m., ar. Baker City, Ore., 5.30 p. m. via S. V. R. R., 1.25; transfer baggage from S. V. R. R. to O. R. & N. depot at Baker City, .25; round trip bus fare, depot to hotel, Baker City, Ore. & return .25. Will be at La Grande May 22, 23, 24; Pendleton, 25, 26, 27.

Saturday, May 22, 1909, Baker City, Ore., to La Grande, Ore.:

Lv. Baker City, Ore., 7.35 a. m., ar. La Grande, Ore., 9.25 a. m. via G. R. & N., fare, \$1.55; seat in Pullman, Baker City to La Grande, .25; transfer baggage at La Grande, .25. Instructing Spl. Agt. R. E. Crowley in examination of records of U. S. Land Offices.

Sunday, May 23, 1909, La Grande, Ore.:

4 letters.

Monday, May 24, 1909, La Grande, Ore., to North Powder, & return:

Lv. La Grande, Ore., 6.15 a. m., ar. North Powder, Ore., 7.45 a. m. via O. R. & N. Co., fare, \$.95; made field exam. of unlawful inclosure, John Boyd, in Tp. 6540 E. Lv. Selacaset, Ore., 7.10 p. m., ar. La Grande, 8. p. m. via O. R. & N., fare, .65; telephone message to A. Christensen, Portland, Ore., from La Grande, .95.

Tuesday, May 25, 1909, La Grande, Ore., to Pendleton, Ore.:

Transfer of baggage from hotel to depot at La Grande, Ore., \$.25. Wrote letter to U. S. Atty., Portland, Ore. re I. & S. C. E. 12815. Lv. La Grande, Ore., 10.15 a. m., ar. Pendleton, Ore., 1.15 p. m. via O. R. & N. Co., see I. R. 11935 (\$4.50) self & R. E. Crowley, Spl. Agt., seat in Pullman from La Grande, Ore., to Pendleton, Ore., .25. Interviewed S. A. Newberry re fraudulent entries in interest of Derig Betts. Wrote chief re unlawful inclo., John Boyd, in Tp. 6 S., R. 40 E. & sent all papers. Interviewed A. I. Barnes in re U. C. E. 330, E. L. Smith, all in La Grande, Ore., land district.

Wednesday, May 26, 1909, Pendleton, Ore., to Pilot Rock, Ore.:

Lv. Pendleton, Ore., 9 a. m.; ar. Pilot Rock, Ore., 10 a. m., via O. R. & N. Co.; fare, \$.55. Lv. Pilot Rock, Ore., 12 m., drove to H. S. entry, A. E. Johnson, sec. 31, Tp. 2 S., R. 32 E. & hunted for Govt. survey stake. Returned to Pilot Rock, Ore., 7 p. m. Interviewed Thos. Heney, Thos. Gibson, & K. G. Warner in re said timber entry A. E. Johnson. Will be in vicinity Pilot Rock with C. W. Matthews till May 31st. P. O. address will be Pendleton, Ore., till June 1st.

Thursday, May 27, 1909, Pilot Rock, Ore.:

Cases examined: Entries, 1 good. Affidavits, 1. Interviews, 1.

Friday, May 28, 1909, Pilot Rock, Ore., to McKay, Ore.:

Lv. Pilot Rock, Ore., 8 a. m. Paid M. K. Thompson, Pilot Rock, Ore., for hire two horses & buggy from Pilot Rock, Ore., to country & return, from May 26 (12 m.) to May 28 (10 a. m.), 1909, \$10.25. Interviewed F. Michael & C. W. Mathews in re

U. E. 0366. Took afdvt. C. W. Mathews & J. A. Hubbard in re U. E. 470. Arrived at McKay, Ore., 6 p. m. Cases examined: Entries, 1 good, 1 bad.

Saturday, May 29, 1909, McKay, Ore., to Pilot Rock, Ore.:

Paid J. A. Hubbard, McKay, Ore., for supper, bed, & breakfast for two saddle horses, \$.75. Horse hire, \$2.00. To C. W. Mathews for services as guide, \$4.00. Cases examined: Entries, 1 good.

Sunday, May 30, 1909, Pilot Rock, Ore., to Pendleton, Ore.:

Lv. Pilot Rock, Ore., 8 a. m.; ar. Pendleton, Ore., 12 m. Paid for team for above trip, \$5.00. Conferring with R. E. Crowley, Spl. Agt., as to result of work assigned by me to him.

Monday, May 31, 1909, Pendleton, Ore.:

Wrote chief in re unlawful inclosure of John Boyd in Tp. 6 S., R. 40 E. Wrote chief in re assignment of work to Special Agent R. E. Crowley, La Grande, Ore., series. Made out expense account for May, 1909. Instructing R. E. Crowley, Spl. Agt., G. L. O., how to make out his expense account for May, 1909.

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### *Daily reports, June, 1907.*

[All signed "Horace Tillard Jones, special agent."]

Tuesday, June 1, 1909, Pendleton to La Grande, Ore.:

Conferring with F. Michaels & G. Adams in re Umatilla entries 470, 0366, 476 & 619. Conferring with R. J. Slater in re desert entries 375, 370, 356 & 373. Wrote letter of instructions and assigned 26 cases for investigation to Spl. Agt. R. E. Crowley. Lv. Pendleton, Ore., 5.15 p. m.; ar. La Grande, Ore., 8.30 p. m., via O. R. & N. Fare, see TR. 11936 (\$4.55); seat in Pullman, Pendleton to La Grande, .50. P. O. address for June 2 & 3, La Grande; June 4 to 8th, Pendleton. Telegraph address, June 3, La Grande; 4, Hilgard.

Wednesday, June 2, 1909, La Grande-Enterprise, Ore.:

'Phone message fr. La Grande to H. W. Harris, Wallowa, Ore., \$.60. Lv. La Grande 9.45 a. m.; ar. Enterprise, Ore., 3.45 p. m., via O. R. & N. Co. Fare, see TR. 11936. Consulting county records, Enterprise, Ore., re H. E. 11805, L. Wilson. 'Phone message to Wallowa livery stable, Wallowa, Ore., .25.

Thursday, June 3, 1909, Enterprise to Wallowa, Ore.:

Lv. Enterprise 7.30 a. m.; ar. Wallowa, 8.45 a. m. Fare, O. R. & N., \$.55. Lv. Wallowa 9 a. m. Drove to sec. 4, Tp. 3 N., 41 E., and took afdvt. C. W. Brown in re alleged frauds in Tp. 4 N., R. 41 E. Returned to Wallowa 9 p. m. Team hire, 6.00.

Friday, June 4, 1909, Wallowa to La Grande:

Took afdvt. H. R. Bursell in re Tp. 4 N., R. 41 E. Lv. Wallowa 9 a. m.; ar. La Grande, 2 p. m., via O. R. & N. Fare, \$1.80. 'Phone message to Ralph Hansen, Telocaset, Ore., .30. Telegram to A. Christensen, Portland, Ore., .27. Examining records at L. L. O. in re Tp. 4 N., R. 41 E. Will be at La Grande June 5-6; Kamela, 7 & 8.

Saturday, June 5, 1909, La Grande, Or., to Union, Ore.:

Breakfast for Field Assistant T. Newman, \$.25. Lv. La Grande, 6.20 a. m.; ar. Union, Ore., 7 a. m., via O. R. & N. & C. R. R. of Ore. Fares for self & T. Newman, field assistant (no R. T.), 1.30. Drove to Tp. 6 S., R. 40 E., locating govt. corners in re unlawful inclosure, case of John Boyd. Dinner for field asst., .25. Returned to Union, Ore., 6 p. m. Supper for field asst., .25. Team hire, 3.50. Paid Field Asst. T. Newman for services for one day, 3.00. Lv. Union, Ore., 7.45 p. m.; ar. Union Jctn., 8 p. m., via C. R. R. of Ore. Fares for self & T. Newman, .50.

Sunday, June 6, 1909, La Grande, Ore.:

Lv. Union Junction 5 a. m., ar. La Grande, Ore., 5.30 a. m. via O. R. & N. Co., fares of self and T. Newman, field asst., .80. Wrote letter to chief in re U. S. Commr. C. A. Moore. Wrote letter to chief in re U. S. Commr. G. G. Schlegel. Wrote letter to chief in re La Grande L. O. Wrote letter to R. E. Crowley in re H. E. 9742. Wrote letter to R. E. Crowley in re H. E. 8168. Phone message to J. S. Cooper, Pendleton, Ore., .25. All entries in La Grande, Ore., land district.

Monday, June 7, 1909, La Grande to Telocaset & return:

Phone message to Chas. Landers, Union, Ore., \$.15. Lv. La Grande, Ore., 6.20 a. m.; ar. Telocaset, Ore., 7.30 a. m.; fare, \$.65. Locating govt. corners in Tp. 6 S., R. 40 E., with surveyor. Dinner for Charles & Wm. Landers, field assistants, \$.50. Paid Charles Landers, Union, Ore., for services as surveyor, \$.50. Paid Wm. Landers, Union, Ore., for services as rodman, \$.20. Paid W. B. Gasset, Union, Ore., for team hire, \$.40. Lv. Telocaset, Ore., 9 p. m.; ar. La Grande, Ore., 10 p. m.; fare, \$.65. P. O. address Pendleton, Ore., until further notice.

Tuesday, June 8, 1909, La Grande to North Powder, Ore.:

Phone message to chief field div., Portland, Ore., from La Grande, Ore., \$1.30. One blueprint of Tp. 6 S., R. 40 E., from J. B. Williamson, \$.25. At U. S. land office getting status of homestead entries in Tp. 6 S., R. 40 E. Lv. La Grande, Ore., 10 p. m.; ar. North Powder, Ore., 11.30 p. m. via O. R. & N. Co; fare, no round trip, \$.95. Will be at Pendleton, Ore., June 10, 11, 12 for mail.

Wednesday, June 9, 1909, North Powder to Hot Lake, Ore.:

Lv. North Powder, Or., 8 a. m.; made field exam. H. E. 15980, A. Mitchell, "bad." Took advt. F. F. Wilshire, S. B. Bell, & I. L. Haller re said entry. Team hire, \$5.00. Dinner for driver & two horses, \$.50. Lv. Telocaset, Ore., 8.10 p. m.; ar. Hot Lake, Ore., 9 p. m. via O. R. & N. Co.; fare, \$.45.

Thursday, June 10, 1909, Hot Lake, Ore., to Pendleton, Ore.:

Lv. Hot Lake, Ore., 9.10 a. m.; ar. La Grande, Ore., 9.45 a. m.; fare, \$.25. Lv. La Grande, Ore., 12.30 p. m.; ar. Pendleton, Ore., 3.30 p. m.; fare (\$2.25), transportation request 11937. Pullman seat, \$.50. Took advt. J. Hailey, jr., U. S. com., in re alleged T. & S. filing of one A. Krueger. Running records Umatilla County, Ore., re D. L. E. 370, 373, 375 & La Grande 01792. All La Grande series.

935 Friday, June 11, 1909, Pendleton, Pilot Rock and Gurdane, Ore.:

Lv. Pendleton, Ore., 9 a. m.; ar. Pilot Rock, Ore., 10 a. m., via O. R. & N. Co.; fare (no R. T.), \$.55. Lv. Pilot Rock, Ore., 11 a. m.; ar. Gurdane, Ore., 4 p. m. Took advts. of J. L. Hall, W. Curtwright, and J. Marcum in re H. E. 14446, Stella Anderson, La Grande, Ore., series.

Saturday, June 12, 1909, Gurdane, Pilot Rock, and Pendleton, Ore.:

Interviews, 3.

Sunday, June 13, 1909, Pendleton to Hermiston:

Lv. Pendleton, Ore., 6 a. m.; took affidavit of J. A. Isaac in re U. E. 470; returned to Pendleton 9 a. m. Team hire, \$2.50; lv. Pendleton, Ore., 1 p. m.; ar. Umatilla, Ore., 2.30 p. m. via O. R. & N. Co.; fare, \$1.30; lv. Umatilla, Ore., 3.15 p. m.; ar. Hermiston, Ore., 3.30 p. m., via O. R. & N. Co., fare, \$.20; seat in Pullman from Pendleton to Umatilla, Ore., \$.25. Made field exam. D. L. E. 01792 A. Parr, "good."

Monday, June 14, 1909, Hermiston to Portland.

Tuesday, June 15, 1909, Portland, Oregon:

Conferring with chief field div., in re 11-7 cases, and also in re complaint of F. B. Allen in re alleged fraudulent entries in Tp. 32 S., R. 13 W., Roseburg land district. Attended taking deposition of T. H. Guy in re his H. E. 14417, Portland, Oregon, series. Made typewritten copies of affidavits of W. Curtright, Jas. Marcum, in re H. E. 10446, La Grande, Ore., series. Transfer of baggage from depot to house at Portland, Ore., \$.50.

Wednesday, June 16, 1909, Headquarters:

Completed taking deposition T. H. Guy in re H. E. 14417, Portland series. Made report to chief re H. E. 11805, L. Wilson; H. E. 0993, J. W. Duncan; H. E. 12851, H. Howard, all in La Grande land district. Conferring with A. Christensen, chief field div., in re indictment against H. E. G. Cooke, in New York, N. Y. Conferring with H. D. Newell re D. L. E. 02427, J. F. McNaught, La Grande, Ore., series.

Thursday, June 17, 1909, headquarters:

Wrote La Grande land office for status H. E. 15980 & 23 others. Copied ten affidavits in connection with 4-480 reports to be made. Conferring with R. & R. Portland land office and with A. I. Moulton, atty. for deft. in re H. E. 12841, P. H. Sroat, Portland series.

Friday, June 18, 1909, headquarters:

Gave depositions in re H. E. 14329, P. A. Tinseth, Portland series.

Saturday, June 19, 1909, headquarters:

Hunting for Stella Anderson to interview in re her H. E. 10446, La Grande, Ore., series. Made letter report in re H. E. 10446, Stella Anderson supplemental. Also report in re Ind. Sch. sel. of H. N. Moore, for State of Ore. Also in re John Hailey, jr., U. S. Com. to G. L. O. Wrote Peter Ticker, Troy, Ore., in re J. T. Valen, J. P.

Sunday, June 20, 1909, Seattle & Portland:

Lv. Portland 12.15 a. m. Ar. Seattle, Wn., 8 a. m., via N. P. R. R., T. R. 11939 (for self & F. R. Spaulding), fare, \$11.20. Sleeper for self & F. R. Spaulding, Portland to Seattle, T. R. 11940 (\$4.00). One street-car fare in Portland, Ore., \$.05. One street-car fare in Seattle, Wn., \$.05; fee to porter on Pullman, \$.25. Conferring with L. R. Glavis in re Alaska coal cases.

Monday, June 21, 1909, Seattle, Wash.:

Preparing lists and getting addresses of Alaska coal-land claimants in Seattle, Wash. Took affidavit of Mary G. Davis in re her Alaska coal claim. Made engagement with H. B. Drees to take his affidavit Tuesday, June 22, 1909.

Tuesday, June 22, 1909, Seattle, Wash.:

Took affidavit of H. B. Drees in re his Alaska coal claim. Interviewed W. J. Hosom and Thos. Payne in re the Mackey group of Alaska coal claims. Interviewed C. F. Munday in re the Stracey group of coal claims. Interviewed G. H. Stewart in re his Alaska coal claim.

Wednesday, June 23, 1909, Seattle, Wash.:

Took afdvt. of N. H. Peterson in re his Alaska coal claim. Interviewed G. Simmonds, in re Simmonds group coal claims. Interviewed Orville Reyburn in re his Alaska coal claim. Interviewed Capt. E. J. Rathburn, in re the Morrow group of Alaska coal claims. Interviewed A. J. M. Hosom, in re the Mackey group of Alaska coal claims.

Thursday, June 24, 1909, Seattle, Wash.:

Interviewed Capt. E. J. Rathbone in re J. W. Dudley, the Cunningham group coal claims, and other matters relating to forming of corporations among coal claimants. Interviewed A. C. Fry about coal claim of I. V. Fry. Interviewed A. J. M. Hosom, with Mr. Glavis, in re Alaska coal claims and Michigan Alaska Development Co.

936 Friday, June 25, 1909, Seattle, Wash.:

Took afdvt. W. H. Mackey in re list of 60 coal claims located by him. Assisted Mr. Glavis in taking afdvt. of Judge McKenzie in re Alaska coal claims. Interviewed E. E. Siegley in re Alaska coal claims.

Saturday, June 26, 1909, Seattle, Wash.:

Assisting Mr. L. R. Glavis in getting affidavits, exhibits, etc., relating to Alaska coal-land investigations in shape for report.

Sunday, June 27, 1909, Seattle, Wash.:

Assisting Mr. L. R. Glavis in getting affidavits, exhibits, etc., relating to Alaska coal-land investigations in shape for report.

Monday, June 28, 1909, Seattle, Wash.:

Took afdvt. M. A. Green in re J. W. Dudley, Reg. U. S. L. O., Juneau, Alaska. Took afdvt. D. A. McKenzie in re coal claim in Alaska. Also in re Alaska Petroleum & Coal Co. Also in re H. K. Love, former spl. agt. Got signature of W. H. Mackey to his afdvt. in re coal claims in "Mackey Group." Arranging papers for report on "Mackey Group."

Tuesday, June 29, 1909, Seattle, Wash.:

Began adverse report on "Mackey Group," Alaska coal claims. Assisted in taking afdvt. H. R. Harriman in re Alaska Petroleum & Coal Co. Made afdvt. as to statements made after giving afdvt. of I. P. McDonald. Took afdvt. I. P. McDonald in re Alaska Smokeless Coal Co. Interviewed H. A. Partridge in re Mackey Group. Worked at office on report "Mackey Group" until 11 p. m.

Wednesday, June 30, 1909, Seattle, Wash.:

Working on report on "Mackey Group" coal cases in Alaska. Interviewed D. A. McKenzie & Mr. Eccles in re Alaska coal cases with Mr. Glavis. Took afdvt. H. A. Partridge in re Mackey Group Alaska coal cases.

### *Daily reports, July, 1909.*

[All signed "Horace Tillard Jones, special agent."]

Thursday, the 1 day of July, 1909:

Seat in Pullman, \$1.00; fee to Pullman porter, \$0.25. Took afdvt. of H. A. Partridge over to him for his signature. Interviewed A. J. M. Hosom about Mackey Group of Alaska coal claims. Lv. Seattle, Wn., 1.15 p. m.; ar. Portland, Ore., 8.35 p. m., via N. P. R. R. on T. R. 21728, \$5.60.

Friday, the 2nd day of July, 1909, headquarters:

Transfer baggage, Portland, depot to home, \$0.50. Made out expense account for June. Conferring with A. Christensen, chief, in re Hs. entries in Roseburg, Ore., land district, made in interest Pacific Fur. & Lumber Co. At U. S. attorney's office getting data against said entries. Conferring with chief in re H. E. of G. Newman, La Grande series.

Saturday, the 3rd day of July, 1909, headquarters, Portland, Ore.:

Two street car fares in Portland, \$0.10. Interviewed J. H. Lutz, E. A. Darling, J. O'B. Serber, records of U. S. land office, Portland, Ore., and Polk directory for Everett, Wash., in re H. E. 13068, E. A. Haynes, Portland series. Interviewed Mrs. Wm. Hart, formerly Miss Stella Anderson, in re H. E. 10446, La Grande series.

Sunday, the 4th day of July, 1909, headquarters, Sunday.

Monday, the 5th day of July, 1909, headquarters:

Made letter report to chief in re H. E. 10446, Stella Anderson, La Grande series.

Tuesday, the 6th day of July, 1909, headquarters:

Wrote chief in re A. W. Lafferty; in re W.E. 10532 L. G. series. Wrote Roseburg land office in re Geo. Nicholls. Wrote chief in re Vancouver, Wash., land office. Wrote U. S. atty. McCourt in re H. E. 10446, La Grande district. Made report to G. L. O. on H. E. 10446. Made report to chief in re H. E. 01125, La Grande series. At U. S. attorney's office getting data in re H. E. 01125.

Wednesday, the 7th day of July, 1909, headquarters:

Made adverse report on T. & S. C. E. 9977 (02369) W. T. Kerr, Roseburg, Ore., series. Interviewed M. D. Scroggs in re D. L. E. 02427-02707 & 02917 La Grande series. Interviewed C. R. Pierce in re H. E. 9326, L. G. series. Interviewed J. A. Stealey in re H. E. 15477, Portland series. Wrote chief recommending investigation of H. E. 02173, L. G. series, and three others. Wrote chief in re H. E. 8065. At U. S. L. O., Portland, Ore., with chief looking up information in re A. A. Roberts.

Thursday, the 8th day of July, 1909, headquarters:

Conferring with J. W. Draper & R. R., Portland land office in re date for hearing on Draper disbarment. Wrote A. J. Sample in re H. E. 01976, La Grande. Wrote School Supt. Umatilla Co. re same. Reported to G. L. O. on Tp. 4 R. 41 E. Made 4-480 report on H. E. 10832, W. S. Lindsay.

937 Friday, the 9th day of July, 1909, headquarters:

At U. S. Land Office having subpoenas issued for witnesses in re U. S. x. J. W. Draper. Took advt. O. L. Chapel in re J. W. Draper. Subpoenaed T. A. Lucas in re U. S. vs. J. W. Draper. Made adverse report on J. Hailey, jr., U. S. Commr. Made favorable report on H. E. 470, J. A. Isaac, La Grande (Ore.) land district.

Saturday, the 10th day of July, 1909, headquarters:

Sunday, the 11th day of July, 1909, headquarters:

Monday, the 12th day of July, 1909, headquarters:

T. R. 21729 (\$7.30); T. R. 21730 (\$2); baggage transfer at Portland, Ore., .50. Made letter report to G. L. O. on DLE. 01796, 01794, 01793, 01792. Made letter report to chief re HE. 15354. Made 4-480 report on Amnt Ent. 330. Made 4-480 report on 02707, 02427, 02917. HE. 15980, HE. 02908. All La Grande, Ore., series. Lv. Portland, Ore., 7 p. m. en route to Walla Walla, Wn., fare T. R. 21729. Berth in sleeper, Portland to Walla Walla, T. R. 21730.

Tuesday, the 13th day of July, 1909, Walla Walla, Wash.:

Fee to Pullman porter, .25. Baggage transfer at Walla Walla, 25c. Telegram to La Grande land office, 25c. Telegram from La Grande land office, 20c. Ar. Walla Walla, Wn., 7 a. m. Attended taking deposition in re HE. 12948, A. L. Canvel, and 12550, Wm. Barber. Interviewed postmaster in re HE. 12550, Wm. Barber. Interviewed Frank Morse, C. B. Cashatt, and H. C. Bryson in re said Barber entry. Made report to chief & sent all papers in re said HE. 12948 & 12550 La Grande, Ore., series. Will be at La Grande, Ore., 15 & 16 July.

Wednesday, the 14 day of July, 1909, Walla Walla, Wash., to La Grande, Ore.:

Baggage transfer at Walla Walla, 25c; Pullman seat, Pendleton, Ore., to La Grande, 50c. Interviewed Dr. E. E. Hall & Dr. B. D. Clowe, Andy O. Grady, postmaster of Walla Walla, Wn., O. S. Jones, W. H. Darman, Sam Hinton, all of Walla Walla, Wash., in re HE. 12550 of Wm. Barber, La Grande series, Ore. Lv. Walla Walla, Wash., 3.15 p. m., ar. La Grande, Ore., 9.15 p. m., via O. R. & N. Co., on T. R. 21731 (fare, \$3.60).

Thursday, the 15th day of July, 1909, La Grande, Oregon:

Transfer baggage, depot to hotel at La Grande, .50. Conducting hearing in re HE. 10744 (serial 01023), La Grande, Ore., J. H. Blumenstein.

Friday, the 16th day of July, 1909, La Grande, Ore.:

Conducted hearing in re HE. 10617 (serial 01011). Charles Hansen, La Grande, Ore., series. Made report of hearing with all papers & vouchers to chief. Sent chief all papers re mining app. J. R. J. Martin, La Grande series. Made report to chief with all papers re HE. 10744 (serial 01023), J. H. Blumenstein, La Grande. Wrote J. C. Minton in re his place of residence.

Saturday, the 17 day of July, 1909, La Grande, Ore., to Enterprise, Ore.:

Lv. La Grande, Ore., 10 a. m., ar. Enterprise, Ore., 3.30 p. m., via O. R. & N. Co. line on T. R. 21732, round trip fare, \$4.70.

Sunday, the 18th day of July, 1909, Enterprise, Ore.

Monday, the 19th day of July, 1909, Enterprise, Oregon:

Conducting hearing in case of U. S. vs. H. E. 8330, serial 05753 of Ada Fay, from 1 p. m. to 12 midnight. La Grande, Ore., series.

Tuesday, the 20th day of July, 1909, Enterprise, Ore.:

Conducting and completed hearing in U. S. vs. H. E. 8330, serial 05753, Ada Fay, La Grande series. Conducted hearing in U. S. vs. H. E. 11686, serial 02179, Ida B. Welchel, and completed same. La Grande series, from 8 a. m. to 6 p. m.

Thursday, the 22 day of July, 1909, Enterprise, Ore.:

Conducted & completed hearing in re La Grande 03205 H. E., Chas. E. Young.

Friday, the 23 day of July, 1909, Enterprise, Ore., to Baker City, Ore.:

R. R. fare (no rebate), \$1.55; bus hire (round trip), \$.25. Lv. Enterprise 7.30 a. m., ar. La Grande 2.30 p. m., via O. R. & N., on return ticket; lv. La Grande 9 p. m., ar. Baker City 11.30 p. m., via O. R. & N., fare \$1.55; made report to chief on hearing in La Grande H. E. 03208, C. E. Young.

Saturday, the 24 day of July, 1909, Baker City, Ore.:

Transfer baggage depot to hotel, \$.35; telegram from chief, \$.20. Conducting hearing in U. S. vs. T. & S. 02197 of J. F. Johnson, La Grande series.

Sunday, the 25 day of July, 1909, Baker City, Ore.:

Took advt. John Karg in re his mining location. Transmitted papers in re U. S. vs.

T. & S. 02197 of J. F. Johnson, La Grande series, with report to Chief.

Monday, the 26 day of July, 1909, Baker City, Ore.:

Interviewed Killis J. Martin, Ernest Lawsen, Isaac Hiatt, W. F. Staley, & B. F. Wilson in re M. E. 260, La Grande series of K. J. Martin. Attended hearing in re M. E. 260 of K. J. Martin & continued same to date of final hearing without taking any testimony, at request & by consent of law officer, W. F. Staley, of Forest Service.

938 Tuesday, the 27 day of July, 1909, Baker City, Ore.:

Searching records of Baker County, Ore., for transfers & record of assessments in respect to T. & S. 02197 of Jas. F. Johnson & in re H. E. 03280 M. S. Turnbull, La Grande, Ore., series. Took advt. Roren Byam in re mining claim of John Karg. Interviewed W. F. Staley and W. R. Davey in re Double Eagle Mining Co. claims, included in M. A. 371, La Grande, Ore., series.

Wednesday, the 28 day of July, 1909, Baker City, Ore.:

Telegram via W. U. T. Co. to T. J. Supt., The Dalles, Ore., .28.

Conducting hearing in re H. E. 03280, La Grande, c/o M. S. Turnbull.

Thursday, the 29 day of July, 1909, Baker City, Ore.:

Baker Abstract & Trust Co., for abstract in J. H. Johnson case, H. E. 02197 La Grande series, 7.50. Appeared at hearing re M. E. 371 Double Eagle Mining Co. & dism. case. Transmitted to chief with letter all papers in re Double Eagle Mining Co. Mineral application 371 La Grande series. Also papers in re H. E. 03250 La Grande series, M. S. Turnbull, with letter. Also papers in re T. & S. 01606 J. M. Brown, La Grande series, with letter. Also papers in re T. & S. 01169 M. C. Petersen, La Grande series, with letter. Wrote Geo. Gibbs in re H. E. 04567 L. G. series Wm. Barber. Wrote Jay Hamblin in re T. & S. 01606 J. M. Brown, L. G. series. Wrote J. C. Newton re H. E. 04127 L. G. series Elias Crane. Took deposition A. Klurer re T. & S. 01169 M. C. Petersen, La Grande series.

Friday, the 30 day of July, 1909, Baker City, Ore., to Canyon City, Ore.:

Fare from Austin, Ore., to Canyon City, Ore., via Blue Mountain Rapid Transit Co. (round trip), \$7.50. Lv. Baker City, Ore., 9.30 a. m.; ar. Canyon City, Ore., 10.30 a. m. Fare from Baker City, Ore., via Sumpter Valley R. R. by T. R. 11733; round trip (\$5.00).

Saturday, the 31 day of July, 1909, Canyon City, Ore.:

Conducting hearing in re H. E. 03338, Jack Vaughn, La Grande, Ore., series from 10 a. m. to 11 p. m.

### *Daily reports, August, 1909.*

[All signed "Horace Tillard Jones, special agent."]

Sunday, the 1st day of August, 1909, Canyon City, Ore., Sunday.

Monday, the 2 day of August, 1909, Canyon City, Ore.:

Conducting hearing in re H. E. 03338, Jack Vaughn, La Grande series, from 9 a. m. to 12 midnight.

Tuesday, the 3rd day of August, 1909, Canyon City, Ore.:

Conducting hearing in re U. S. vs. H. E. 01638, J. W. Hardisty, La Grande series, from 10 a. m. to 5 p. m.

Wednesday, the 4 day of August, 1909, Canyon City, Ore.:

Conducting hearing in re H. E., 01653, C. A. Scroggins, & H. E. 01782, E. Scroggins, La Grande, Ore., series.

Thursday, the 5 day of August, 1909, Canyon City, Ore.:

Conducting hearing in re T. & S. 01169, M. C. Peterson, La Grande, Ore., series, & completed same. Will be at Baker City August 6 & 7th, 1909.

Friday, the 6th day of August, 1909, Canyon City, Ore.:

Made letter report to chief in re H. E. 01782, E. Scroggins; 01653, C. A. Scroggins; 01638, J. W. Hardesty; 03338, J. Vaughn; T. & S. 01169, M. C. Peterson. Conducted hearing re H. E. 04335, A. B. Shrier. Made letter report with all papers to chief.

Saturday, the 7th day of August, 1909, Canyon City, Ore., to Baker City, Ore.:

'Phone message to & from La Grande land office, .50. Carriage hire, self & baggage, depot to hotel, Baker City, .25. Lv. Canyon City, Ore., 5.30 a. m.; ar. Austin, Ore., 1.15 p. m., via Blue Mountain Rapid Transit Line, on return ticket. Lv. Austin 2.15 p. m.; ar. Baker City, Ore., 5.30 p. m., via S. V. R. R., on return ticket.

Sunday, the 8 day of August, 1909, Baker City, Ore., to La Grande, Ore.:

Baggage from hotel to depot, Baker City, Ore., .50. R. R. fare, Baker City to La Grande, via O. R. & N., \$1.55. Seat in Pullman, Baker City, Ore., to La Grande, Ore., .25.

Monday, the 9 day of August, 1909, La Grande, Ore.:

Entered into stipulation disposing of hearing in re M. E. 260 of K. J. Martin, La Grande series. Attended final hearing in re H. E. 8330, Ada Fay, née Johnson & took deposition H. W. Harris. Sent all papers in said cases, with letter report, to chief. Interviewed W. W. Carter in re H. E. 06848, La Grande series.

Tuesday, the 10th day of August, 1909, La Grande to Pendleton, Ore.:

Telephone message to & from U. S. land office, La Grande, .55. Conducting hearing in H. E. 0472, B. Hazen, dec., La Grande series. Lv. La Grande 5.45 a. m.; ar. Pendleton, Ore., 9 a. m., via O. R. & N.; fare, T. R. 21734 (\$2.20).

939 Wednesday, the 11 day of August, 1909, Pendleton, Ore., to Walla Walla, Wn.:

Telephone message to H. C. Bryson, Walla Walla from Pendleton, .30. Transfer baggage from depot to hotel & return at Pendleton, Ore., .50. Round trip bus line Walla Walla, .25. O. R. & N. R. R. fare Pendleton to Walla Walla, 1.40. Conducted hearing in re H. E. 04127 E. Crane, La Grande, Ore., series. Took affidavit D. P. Smythe in re H. E. 14010 J. Hamburg, and 13796 L. Hamburg, The Dalles, Ore., series. Conferring with S. A. Lowell in re Carey Act project of D. C. Brownell, T. 5 N., R. 28 E., La Grande, Ore., land district. Lv. Pendleton 6.30 p. m., ar. Walla Walla, Wn., 8.15 p. m. via O. R. & N. Co.

Thursday, the 12 day of August, 1909, Walla Walla, Wn. to Milton, Ore., & return.

W. W. V. Ry. Co. round trip fare Walla Walla, Wn., to Milton, Ore., .40. Conducting hearing in re H. E. 04567 Wm. Barber, La Grande, Ore., series. Lv. Walla Walla, Wn., 9 a. m., ar. Milton, Ore., 10 a. m. Lv. Milton, Ore., 12 m., ar. Walla Walla, Wn., 1 p. m. Conferring with H. C. Bryson, atty., in re H. E. 04567 Wm. Barber. Conferring with Eugene Harris, atty., in re H. E. 04359 C. H. Dickerson in re stipulating said case.

Friday, the 13 day of August, 1909, Walla Walla, Wn., to Milton, Ore., & return & en route to Portland, Ore.:

To E. L. Brunton for serving three spas., 3.00. T. W. W. V. Ry. Co. round trip fare to Milton, Ore., & return, .40. Stipulated with attorney for deft. in U. S. vs. H. E. 04567 Wm. Barber. Stipulated with attorney for deft. in U. S. vs. H. E. 04359 C. H. Dickerson, both La Grande, Ore., land district. Lv. Walla Walla, Wn., 1 p. m., ar. Milton, Ore., 2 p. m. Conferred with C. H. Dickerson & his atty. in re H. E. 04359. Lv. Milton 4 p. m., ar. Walla Walla 5 p. m. via W. W. V. Ry. Lv. Walla Walla 4.30 p. m. en route to Portland, Ore. (7.30) T. R. 21735. Sleeper to Portland from Walla Walla, T. R. 21736 (\$2.00).

Saturday, the 14 day of August, 1909, Portland, Ore.:

Fee to Pullman porter, Walla Walla to Portland, .25. Transfer baggage, depot to house, Portland, Ore., .50. Ar. Portland, Ore., 10.45 a. m. Made report to Chief in re hearings in H. E. 04567 W. Barber, & 04359 C. H. Dickerson, La Grande, Ore., series, by separate letters.

Sunday, the 15 day of August, 1909, Portland, Oregon:

Conferring with Chief in re hearings conducted in La Grande district in July & August, 1909.

Monday, the 16 day of August, 1909, headquarters:

H. E. 5028 (favorable) S. G. Moorefield, 14529, J. A. Jones & H. E. — C. R. Stetter. All favorable & in La Grande series. Wrote chief in re H. E. 13961 — L. Hansberry & 14010 J. T. Hansberry, The Dallas series, and in re H. E. 06545 W. W. Carter, La Grande series.

Tuesday, the 17 day of August, 1909, headquarters:

At U. S. Land Office preparing exhibits to be filed in hearing to be held on J. W. Draper disbarment on August 18, 1909. Interviewed Geo. Finley in re J. W. Draper disbarment. Interviewed Dr. E. A. Lawbaugh in re J. W. Draper disbarment.

Wednesday, the 18 day of August, 1909, headquarters:

Conducting hearing in re disbarment of J. W. Draper. Case continued to Aug. 24, 1909. Conferring with Judge C. E. Wolverton in re injunction suit in unlawful inclosure of J. B. Switzler, La Grande series. Examined record in said suit. Interviewed D. W. Reardon in re disbarment of J. W. Draper. Served spas. on four witnesses in Draper disbarment. Dictated letter in re fees in hearings before O. L. Patterson, U. S. commissioner.



Thursday, the 19 day of August, 1909, headquarters:

Looking up law on fees of referees, State of Washington. Made 4-480 report on H. E. 11114, C. Ogilvy, La Grande series. Made adverse report on unlawful inclosure, John Boyd, T. 6540 E. Made supplemental adverse report on H. E. (final) 7060, H. W. Clifford, Portland series. Wrote R. & R., Lakeview, Ore., for status of entries in Tp. 32 S., R. 15 E.

Friday, the 20 day of August, 1909, headquarters:

Making copy of plat of survey of Tp. 35 S., R. 7½ E. Examining and classifying old papers relating to the Tillamook case and other old cases in the Oregon division for chief first field div.

Saturday, the 21 day of August, 1909, headquarters:

At U. S. land office, Portland, Ore., getting status of NW. ¼, SE. ¼ sec. 22, & SW. ¼, NW. ¼ & S. ¼ NE. ¼ sec. 23, Tp. 9 S., R. 10 W., formerly H. E. (cash) 7914, Portland series. Interviewed B. M. Brown in re same. Interviewed Newton McCoy in re same.

Sunday, the 22 day of August, 1909, headquarters, Sunday.

Monday, the 23 day of August, 1909, headquarters:

At office Title Guar. & Tr. Co. conferring with R. S. Howard in re fraudulent desert land entries of Oregon Land & Water Co. Interviewed Alex Macklin in re 940 Big Camas Valley, in Cascade Mt. Forest Reserve. At U. S. atty. office getting data in re U. S. vs. Wm. E. Burke & C. E. Jocelyn.

Tuesday, the 24 day of August, 1909, headquarters:

Conducting hearing in re disbarment of John W. Draper, Portland, Ore., series.

Wednesday, the 25 day of August, 1909, headquarters & en route to Klamath Falls, Ore.

Wednesday, the 25 day of August, 1909:

Lv. Portland, Ore., 7.45 p. m., en route to Klamath Falls, Oregon. Fare. No. rebate for R. T.—see T. R. 21737 (\$17.05). Sleeper from Portland, Ore., to Weed, Calif. T. R. 21735 (\$3.00).

Thursday, the 26 day of August, 1909, en route to Klamath Falls, Ore.:

Fee to Pullman porter, 25. Arrive at Weed, California, en route to Klamath Falls, Ore., 4.30 p. m.

Friday, the 27 day of August, 1909, Weed, Calif., to Klamath Falls, Ore.:

Lv. Weed, Calif., 2 p. m. via S. P. R. R. Ar. Klamath Falls, Ore., 5.35 p. m.

Saturday, the 28 day of August, 1909, Klamath Falls, Ore.:

Transporting baggage, depot to hotel, Klam. Falls., Ore., .50; ¼ cost hire gasoline launch, 5.00; dinner & supper at Dan Griffith's for boatman, .50. Lv. Klamath Falls, Ore., 10 a. m. Went to Tp. 35 S., R. 7½ E. Made examination. All swamp land. Interviewed John & Dan Griffith & K. P. Hamilton in re character said land. Returned to Klamath Falls, Ore., 12 p. m. in a gasoline launch.

Sunday, the 29 day of August, 1909, Klamath Falls, Ore.:

Interviewed A. J. Santomar & W. H. Heileman, of U. S. R. S., in re Tp. 35 S., R. 7½ E. Interviewed R. E. Emmitt in re same. Interviewed C. E. Worden & Jack Kimball in re same. Forward mail to Ashland, Oregon.

Monday, the 30 day of August, 1909, Klamath Falls, Ore., to Ashland, Ore.:

Paid C. M. Collin for services as sheriff, 7.00. Transfer trunk hotel to depot, Klamath Falls, Ore., .50: Lv. Klamath Falls, Ore., 1.40 a. m. Ar. Weed, Calif., 12 m. Lv. Weed, Calif., 1 p. m. Ar. Ashland, Ore., 5.30 p. m., via S. P. R. R. T. R. 21737 (\$6.75).

Tuesday, the 31 day of August, 1909, Ashland, Ore., en route to Portland, Ore.

Service report for month of August, 1909:

Homestead and desert: Reports submitted, good, 5; bad, 4. Preliminary work, affidavits taken, 1; interviews, etc., 6. Hours spent in attendance, hearings, 83. Miscellaneous: Examined in field, good, 1. Preliminary work, affidavits taken, 4; interviews, etc., 18. Unlawful occupancy: Reports submitted, bad, 1.

### *Daily reports, September, 1909.*

[All signed "Horace Tillard Jones, special agent."]

Wednesday, the 1st day of September, 1909, headquarters:

Fee to Pullman porter—Ashland to Portland, Ore., .25. Arrived in Portland, Ore., en route from Ashland, Ore., at 7.30 a. m. Interviewed J. C. Stevens, of Geological Survey, in re land in Tp. 35 S., R. 7½ E., selected by State Oregon as swamp. Made favorable report on said selection.

Thursday, the 2d day of September, 1909, headquarters:

Friday, the 3d day of September, 1909, headquarters:

Examining files & records of Oregon Land & Water Co. in re D. L. E. 312, M. O. Ireton, The Dalles, Ore., series & other desert entries in the Dalles & La Grande, Ore., districts. Interviewed J. W. Cook, R. S. Howard, jr., & J. F. Shields in re Oregon Land & Water Co.

Saturday, the 4th day of September, 1909, headquarters:

Wrote R. & R., The Dalles, Ore., for status of D. L. E. 289, J. S. Fish & 24 others. Wrote R. & R., La Grande, Ore., for status D. L. E. 253 & 5 others.

Sunday, the 5th day of September, 1909:

Sunday.

Monday, the 6th day of September, 1909, headquarters:

Labor Day.

Tuesday, the 7th day of September, 1909, headquarters, to Tacoma, Wash.:

Sleeper Portland to Tacoma, Wn. (porter fee, 25 cts.), \$2.00; Puget Sound Elec. Ry. Co., round trip fare Tacoma to Seattle, \$1.00; parlor-car seat, Tacoma to Seattle, \$.25.

Wednesday, the 8th day of September, 1909, Seattle, Tacoma, Hoquiam, Wn., and Seattle, Wn.:

Parlor-car seat, Seattle to Tacoma, \$.25; parlor-car seat, Tacoma to Hoquiam, Wn., via N. P. R. R., \$.50.

Thursday, the 9th day of September, 1909, Hoquiam, Wn., to Tacoma, Wn.:

Parlor-car seat, Aberdeen to Tacoma, Wn., \$.50.

941 Friday, the 10th day of September, 1909, Tacoma, Wn., to Portland, Ore.:

Parlor-car seat, Tacoma, Wn., to Portland, Ore., \$.75.

Saturday, the 11th day of September, 1909, headquarters.

Sunday, the 12 day of September, 1909.

Sunday.

Monday, the 13 day of September, 1909, headquarters.

Tuesday, the 14 day of September, 1909, headquarters, to Dallas & Salem, Ore., & return:

S. P. R. R. fare to Dallas, Ore., \$1.90; team hire, \$3.00; Ore. Elec. Ry. Co. fare to Portland from Salem, Ore., \$1.50; telephone message to Rickreall, Ore., \$.015.

Wednesday, the 15 day of September, 1909, headquarters.

Thursday, the 16 day of September, 1909, headquarters.

Friday, the 17 day of September, 1909, headquarters.

Saturday, the 18 day of September, 1909, headquarters:

At office Title Guarantee & Trust Co., investigating desert land entries said to have been made in interest of Oregon Land & Water Co.

Sunday, the 19 day of September, 1909, headquarters.

Sunday.

Monday, the 20 day of September, 1909, headquarters:

Going over papers in Dorgan & Devine case with Spl. Agt. Arundell. At Title Guar. & Tr. Co. looking over papers & records in re Oregon Land & Water Co. desert land entries in The Dalles & La Grande land districts.

Tuesday, the 21 day of September, 1909, headquarters:

At office Title Guarantee & Trust Co. examining books of Oregon Land & Water Co. in re desert land frauds in The Dalles & La Grande, Ore., land districts.

Wednesday, the 22 day of September, 1909, headquarters:

At office Title Guarantee & Trust Co. examining books of Oregon Land & Water Co. in re desert land frauds in The Dalles & La Grande, Ore., land districts. Confering with U. S. Atty. McCourt about said desert land entries.

Thursday, the 23 day of September, 1909, headquarters:

At office Title Guarantee & Trust Co. looking over books of Oregon Land & Water Co. in re desert land entries in The Dalles & La Grande, Ore., land districts.

Friday, the 24 day of September, 1909, headquarters:

At office Title Guarantee & Trust Co. examining books of Oregon Land & Water Co. in re alleged frauds in desert lands in La Grande & The Dalles, Ore., land districts.

Saturday, the 25 day of September, 1909, headquarters:

At office Title Guar. & Tr. Co. examining books of Oregon Land & Water Co. in re alleged frauds in desert lands in The Dalles & La Grande, Ore., districts.

Sunday, the 26 day of September, 1909, headquarters:

Sunday.

Monday, the 27 day of September, 1909, headquarters:

At office of Title Guarantee & Trust Co. looking at records of Ore. Land & Water Co. in re alleged fraudulent desert entries in The Dalles & La Grande, Ore., districts.

Tuesday, the 28th day of September, 1909, headquarters:

At office Title Guarantee & Trust Co. examining books of Oregon Land & Water Co. in re alleged frauds in desert entries in The Dalles & La Grande, Ore., districts.

Wednesday, the 29 day of September, 1909, headquarters:

At office of Title Guarantee & Trust Co. examining records of Oregon Land & Water Co. in re alleged frauds in desert entries in La Grande & The Dalles, Oregon, land districts.

Thursday, the 30 day of September, 1909, headquarters.

September, 1909:

Making examination of records, papers, accounts, etc., in re conspiracy on part of Oregon Land & Water Co. to defraud Govt. of certain desert lands in La Grande & The Dalles, Ore., land districts.

### *Daily reports, October, 1909.*

[All signed "Horace Tillard Jones, special agent."]

Friday, the 1st day of October, 1909, headquarters:

Examining account books of Oregon Land & Water Co., in re frauds in desert lands in La Grande & The Dalles, Ore., land districts.

Saturday, the 2nd day of October, 1909, headquarters:

At office U. S. atty. for Oregon looking over evidence in re Heffner cases.

Sunday, the 3rd day of October, 1909, headquarters:

Sunday.

942 Monday, the 4 day of October, 1909, headquarters:

At U. S. land office attending hearing in re J. W. Draper, disbarment. Case continued to October 16, 1909. At office Title Guarantee & Trust Co. examining records in re Oregon Land & Water Co.

Tuesday, the 5th day of October, 1909, headquarters:

At office Title Guarantee & Trust Co. looking over records in re frauds in D. L. E. in La Grande & The Dalles land districts by Oregon Land & Water Co.

Wednesday, the 6th day of October, 1909, headquarters:

At office Title Guarantee & Trust Co., investigating alleged frauds by Oregon Land & Water Co. in desert lands in The Dalles & La Grande, Ore., districts.

Thursday, the 7th day of October, 1909, headquarters:

Making examination of alleged frauds by Oregon Land and Water Co. in connection with desert land entries in La Grande and The Dalles, Ore., land districts. Conducted taking of deposition of F. A. Lucas at Portland land office in re disbarment J. W. Draper.

Friday, the 8th day of October, 1909, headquarters:

Transfer baggage, hotel to depot, at Portland, Ore., \$0.50; T. R. 21745 (11.20), fare Portland to Seattle & ret.; T. R. 21746 (2.00), sleeper, Portland to Seattle. Examining records of Oregon Land and Water Co. in re frauds in desert lands in La Grande and The Dalles, Ore., land districts. Interviewed F. B. Holbrook in re desert land frauds of Oregon Land and Water Co.

Saturday, the 9th day of October, 1909, headquarters to Seattle, Wash.:

Transfer baggage, hotel to depot, Portland, Or., .50; fee to Pullman porter (T. R. 21747, sleeper ticket), .25; Seattle to Portland, Ore. (\$2.00). Lv. Portland, Ore., 12.15 a. m.; ar. Seattle, Wn., 9 a. m. Conferring with Spl. Agt. Sheridan & chief of Field Div. Christensen in re Cunningham coal cases. Took advt. M. O. Thompson in re Oregon Land & Water Co. desert land frauds.

Sunday, the 10th day of October, 1909, Seattle, Wn., to Portland, Ore.:

Fee to Pullman porter, Seattle to Portland, .25; transfer of baggage, depot to hotel, at Portland, .50. Lv. Seattle, Wn., 12.05 a. m.; ar. Portland, Ore., 8.45 a. m.

Monday, the 11 day of October, 1909, Headquarters:

Investigating frauds in desert entries in The Dalles & La Grande, Ore., land districts. Examining records & making copies of letters and data in possession of Oregon Land & Water Co.

Tuesday, the 12 day of October, 1909, Headquarters:

At office Oregon Land & Water Co. examining records and making copies of deeds, contracts, letters, etc., in re frauds in desert entries in The Dalles and La Grande, Ore., land districts.

Wednesday, the 13 day of October, 1909, Headquarters:

Copying letters and other evidence in re frauds in desert land entries by Ore. Land & Water Co. in The Dalles & La Grande, Oregon, land districts.

Thursday, the 14 day of October, 1909, Headquarters:

At office Oregon Land & Water Co. arranging papers, letters, etc., in order for report on desert fraud in La Grande & The Dalles, Ore., districts. Begun preparing report on said cases.

Friday, the 15 day of October, 1909, Headquarters:

Made adverse reports on D. L. E. 321 J. G. Gilbert, 312 M. O. Ireton, 289 J. S. Fish.

Saturday, the 16 day of October, 1909, Headquarters:

Conducted & completed hearing in re disbarment of J. W. Draper, Portland district. Submitted case against O. L. & W. Co. to U. S. Atty. for criminal & civil action.

Sunday, the 17 day of October, 1909, headquarters:

Conferring with U. S. attorney for Oregon in re Oregon Land & Water case.

Monday, the 18 day of October, 1909, headquarters:

Took affidavits of E. L. Pettis and E. B. Holmes in re Oregon Land & Water Co. At office Ore. Land & Water Co. getting additional data for U. S. atty.

Tuesday, the 19 day of October, 1909, headquarters:

Made adverse report on D. L. E. 314, F. B. Holbrook 313, E. C. Holbrook. The Dalles, Ore., series and 226 H. D. Mapee, La Grande, Ore., series. Copying additional data in re Oregon Land & Water Co. for U. S. atty.

Wednesday, the 20 day of October, 1909, headquarters:

Made adverse report on D. L. E. 316 J. E. Aitchison, 318 R. Catlin, 302 J. W. Walling, The Dalles series.

Thursday, the 21 day of October, 1909, headquarters:

Made adverse report on D. L. E. 358 F. Lindsley, 357 A. A. Lindsley, 359 M. P. Lindsley, La Grande district. 317 F. Catlin, The Dalles district.

943 Friday, the 22 day of October, 1909, headquarters:

Making list of overt acts and copies of letters for U. S. attorney in re Oregon Land & Water Co. case. Made adverse report on D. L. E. 290 D. Gaunt, 286 F. W. Wilson. The Dalles series.

Saturday, the 23 day of October, 1909, Headquarters:

Made adverse report on D. L. E. 253 W. R. Parker—360 C. T. Lindsley—381 L. D. Holbrook—all La Grande series; 319 K. B. Gilbert—320 C. N. Hall—311 E. B. Holmes—287 E. Clanton—315 R. F. Hall—310 W. Hansen—all The Dalles, Ore. Made report to chief in re contest R. K. Page vs. unnumbered H. E. in La Grande dist. in connection with Oregon Land & Water Co.

Sunday, the 24 day of October, 1909, Headquarters:

Sunday.

Monday, the 25 day of October, 1909, Headquarters:

Made adverse report on D. L. E. 377 Samuel Carmichael, & on Ind. sch. sel. list 375, State of Oregon, latter being case X-184. Examining letters, etc., relative to Oregon Land & Water Co.

Tuesday, the 26 day of October, 1909, Headquarters:

Took affidvt. W. A. Jones in re Oregon Land & Water Co. At office Ore. Land & Water Co. getting list of papers to be subpoenaed for grand jury.

Wednesday, the 27 day of October, 1909, Headquarters:

R. R. fare to Baker City (\$10.67), sleeper (\$2.50). At office Ore. Land & Water Co. getting data for grand jury investigation of direct frauds. Conferring with U. S. attorney and Reed Grant, field div., in re said frauds. Lv. Portland 6.35 p. m. en route to Baker City, Or. Fare to Baker City, T. R. 21748, sleeper, T. R. 21749.

Thursday, the 28 day of October, 1909, en route to Baker City, Ore., & to Pendleton, Ore.:

Fee to Pullman porter en route to Baker City, .25; 'phone message to H. P. Campbell, North Powder, Ore., .25; O. R. & N. fare, Baker City to Pendleton, \$3.75, Pullman seat, .75, total, \$4.50. Ar. Baker City, 8.30 a. m. Interviewed C. A. Moore in re Sch. Ind. Selec., 375 La Grande series. He dictated affidavit to stenographer and swore to same before N. P. Lv. Baker City, Ore., 6.30 p. m. via O. R. & N.; ar. Pendleton, Ore., 11.30 p. m.

Friday, the 29 day of October, 1909, Pendleton, Ore.:

Interviewed J. R. Dickson, Jesse Failing, G. M. Rice, R. Alexander, & J. H. Raley in re Umatilla Irrigation Co. Searched records Umatilla County, Ore., in re transfer by H. D. Mapee of his D. L. E. 226 La Grande series. Telephoned chief at Portland in re Iron Dyke Mining Co.

Saturday, the 30 day of October, 1909, Pendleton to Irrigon, Ore.:

O. R. & N. fare to Irrigon, Ore., from Pendleton, \$1.55. Lv. Pendleton, Ore., 8.40 p. m.; ar. Irrigon, Ore., 10.30 p. m. Made field exam., D. L. E. 318, R. Catlin; 314, F. B. Holbrook; 315, J. W. Walling; 313, E. C. Holbrook, The Dalles series. Took photos of improvements. Interviewed W. R. Walpole, jr., in re Oregon Land & Water Co.

Sunday, the 31 day of October, 1909, Irrigon, Ore., to Portland, Ore.:

Bus fare, depot to hotel, Portland, Ore., .25. Lv. Irrigon, Ore., 10.30 a. m.; ar. Portland, Ore., 6.40 p. m., via O. R. & N. Co. on TR. issued by J. H. Carnahan, Spl. Agt. G. L. O. Interviewed W. R. Walpole, jr., at Irrigon, Ore., in re Ore. Land & Water Co.

Service report for month of October, 1909:

Homestead and desert: Examined in field, bad, 4; reports submitted, bad, 26; preliminary work, affidavits taken, 4; interviews, etc., 6; hours spent in attendance, hearings, 2.

Miscellaneous: Reports submitted, bad, 2; preliminary work, affidavits taken, 2; interviews, etc., 8.

Remarks: As a result of work done on Oregon Land & Water Co. this month the case will be presented to the grand jury Thursday November 4, 1909.

*Daily reports, November, 1909.*

[All signed "Horace Tillard Jones, special agent."]

Monday, the 1 day of November, 1909, headquarters:

At Title Guar. & Trust Co., conferring with R. S. Howard, jr., receiver, in re Ore. Land & Water Co., and examining papers in connection with said water company. Conferring with U. S. atty. in re said cases. Assisting in setting contest cases for hearing. Made out expense account for November.

944 Tuesday, the 2 day of November, 1909, headquarters:

At office Ore. Land & Water Co., selecting papers to be sent under spa. to U. S. atty. for use before grand jury. Took afdvt. G. R. Jones, R. K. Page, R. J. Gorman, A. C. Nelson, I. D. Bushnell, B. D. Ross in re Ore. Land & Water Co.

Wednesday, the 3rd day of November, 1909, headquarters:

Took affidavits of J. W. Walling, J. S. Patterson, C. L. Roadruck, & E. A. Middlebrooks in re Oregon Land & Water Co. for use before grand jury.

Thursday, the 4th day of November, 1909, headquarters:

Photos., printing, developing, etc., \$1.80. Took afdvt. D. B. Fisk in re Ind. Sch. Sel. 375, La Grande, Ore., series. Took afdvt. Irving Worthington in re Ore. Land & Water Co. Testified before grand jury in re Ore. Land & Water Co.

Friday, the 5th day of November, 1909, headquarters:

Took afdvt. Walter Hansen in re Oregon Land & Water Co. Testified before grand jury in re Oregon Land & Water Co. from 10 a. m. to 4 p. m.

Saturday, the 6th day of November, 1909, headquarters:

Took afdvt. W. R. Walpole in re Oregon Land & Water Co. Took afdvt. Robt. F. & Clara N. Hall, in re Ore. Land & Water Co.

Sunday, the 7th day of November, 1909, headquarters:

At office of Title Guar. & Tr. Co. looking over account books and minutes of meeting of said company in re Oregon Land & Water Co.

Monday, the 8th day of November, 1909, headquarters:

Took afdvt. C. E. Niles & J. W. Cook in re Oregon Land & Water Co. Interviewed J. H. Hollock & J. T. Whistler in re said Co. with J. McCourt & R. J. Wyatt of the U. S. atty. office. Assisting at presentation of said case to grand jury.

Tuesday, the 9th day of November, 1909, headquarters:

Wednesday, the 10th day of November, 1909, headquarters:

Thursday, the 11th day of November, 1909, headquarters:

Assisting in preparing indictment in Oregon Land & Water Co. case.

Friday, the 12th day of November, 1909, headquarters:

Assisting in preparation of indictment in Oregon Land & Water Co. case.

Saturday, the 13 day of November, 1909, headquarters:

Transfer baggage, house to depot, Portland, Ore., .50. Took afdvt. Warren R. Parker in re his D. L. E. 253, La Grande, Ore., series. Assisting in preparing indictment in Oregon Land & Water Co. case.

Sunday, the 14 day of November, 1909, headquarters to Seattle, Wash.:

Fee to porter en route to Seattle, .25; transfer baggage, depot to hotel, .50. Lv. Portland, Ore., 12.15 a. m., ar. Seattle, Wash., 8.30 a. m., via N. P. R. R., see T. R. 21751 (\$5.60). Berth in Pullman en route to Seattle, T. R. 21750 (\$2.00).

Monday, the 15 day of November, 1909, Seattle, Wash.:

Examining & checking reports of Spl. Agts. H. P. Kennedy and Geo. A. Parks on various matters in Seattle, Wash., field division. Conferring with J. M. Sheridan, spl. agt. in re Cunningham coal case.

Tuesday, the 16 day of November, 1909, Seattle, Wash.:

Registered stamp on M. F. Hill letter, .10. Wrote registered letter to M. F. Hill, Goldendale, Wash., for settlement of timber trespass; stamp, 10 cts. Conferring with W. B. Pugh, J. M. Sheridan, & W. M. McGee in re Cunningham coal cases

Wednesday, the 17 day of November, 1909, Seattle, Wash.:

Examining and checking reports of H. P. Kennedy & Geo. A. Parks, spl. agts. Waiting to testify in Cunningham case.

Thursday, the 18 day of November, 1909, Seattle, Wash.:  
Telegram from Chief Field Div. Christensen, .25. Attending hearing in Cunningham cases.

Friday, the 19 day of November, 1909, Seattle, Wash.:  
Testified in Cunningham case.

Saturday, the 20 day of November, 1909, Seattle, Wash.:  
Attending hearing in Cunningham case.

Sunday, the 21 day of November, 1909, Seattle, Wash.:  
Sunday.

Monday, the 22 day of November, 1909, Seattle, Wash.:

Attending hearing in Cunningham case. Wrote letter to chief in re U. S. v. J. T. Ross et al. Wrote letter to chief in re J. W. Draper disbarment. Wrote letter to chief in re Northwest Timber Co. Wrote letter to chief in re N. P. list, No. 13. All Portland, Ore., land district.

Tuesday, the 23 day of November, 1909, Seattle, Wash.:  
Attending hearing in Cunningham cases.

945 Wednesday, the 24 day of November, 1909, Seattle, Wash.:

T. R. 36801, berth Portland from Seattle, Wn. (\$2.00). Fare Seattle to Portland; mileage book 5363, Nos. 1 to 186, N. P. R. R. Attending hearing in Cunningham case. Checking proof papers with Chief Field Div. in re miscellaneous Alaska coal cases. Lv. Seattle 10.40 p. m. en route to Portland, Ore.

Thursday, the 25 day of November, 1909, Portland, Ore.:

Fee to Pullman porter en route to Portland, .25. T. R. 36802, berth Portland to Seattle (\$2.00). Mileage, Portland to Seattle, book 5363, N. P. R. R. Nos. 187 to 372. Ar. Portland, Ore., 7.30 a. m. At U. S. atty's office, filing papers, reports, etc., in Oregon Land and Water Co. case in safe.

Friday, the 26 day of November, 1909, Portland to Seattle:

Fee to Pullman porter en route to Seattle, .25. Lv. Portland, Ore., 12.15 a. m.; ar. Seattle, Wn., 8.30 a. m., via N. P. R. R. Attending hearing in Cunningham coal case.

Saturday, the 27 day of November, 1909, Seattle, Wash.:

Attending hearing in Cunningham cases.

Sunday, the 28 day of November, 1909, Seattle, Wash.:

Sunday.

Monday, the 29 day of November, 1909, Seattle, Wash.:

Assisting Special Agent Stoner in getting dates of powers of attorney and location notices of various coal claimants in Alaska.

Tuesday, the 30 day of November, 1909, Seattle, Wn.:

Service report for month of November, 1909.

Homestead and desert affidavits taken, 18; interviews, etc., 2. Attendance in court, 9 hours. Ind. selec., affidavits taken, 1. Coal selec., hearings, 30.

As a result of proceedings before grand jury in re Oregon Land & Water Co., J. T. Ross, J. E. Aitchison, and F. B. Holbrook were indicted under sec. 5441, R. S. U. S.

#### *Daily reports, December, 1909.*

[All signed "Horace Tillard Jones, special agent."]

Wednesday, the 1 day of December, 1909, Seattle, Wn.:

Transfer baggage, hotel to depot at Seattle, Wn., .50. Sleeper, Seattle to Spokane, T. R. 36803 (\$2.50). Mileage (Seattle to Spokane) book 5363-372 to 711, N. P. R. R. Lv. Seattle 7.10 p. m., via N. P. R. R., en route to Spokane, Wn.

Thursday, the 2nd day of December, 1909, Spokane, Wash.:

Fee to porter, .25. Transfer baggage, depot to hotel (trunk & grip), .75. Attending hearing in Cunningham coal case.

Friday, the 3 day of December, 1909, Spokane, Wash.:

Attending hearing in Cunningham coal cases.

Saturday, the 4 day of December, 1909, Spokane, Wash.:

Attending hearing in Cunningham coal cases.

Sunday, the 5 day of December, 1909, Spokane, Wn.:

Sunday.

Monday, the 6 day of December, 1909, Spokane, Wn.:

Attending hearing in Cunningham coal cases.

Tuesday, the 7 day of December, 1909, Spokane, Wn.:

Attending Cunningham hearing.

Wednesday, the 8 day of December, 1909, Spokane, Wash.:

Attending Cunningham hearing.

Thursday, the 9 day of December, 1909, Spokane, Wash.:

Attending hearing in Cunningham cases.

Friday, the 10 day of December, 1909, Spokane, Wash.:

Attending hearing in Cunningham cases.

Saturday, the 11 day of December, 1909, Spokane, Wash.:

Attending Cunningham hearing.

Sunday, the 12 day of December, 1909, Spokane, Wash.:

Sunday.

Monday, the 13 day of December, 1909, Spokane, Wn., en route to Seattle, Wn.:

Transfer trunk & grip hotel to depot, Spokane, \$.75; N. P. R. R. fare Spokane to Seattle; mileage book 5363, Nos. 712 to 1050; Pullman, Spokane to Seattle, T. R. 36804. (\$2.50.) Attending Cunningham hearing. Lv. Spokane 7 p. m., via N. P. R. R., en route to Seattle, Wn.

Tuesday, the 14 day of December, 1909, Seattle, Wn.:

Fee to Pullman porter, Spokane to Seattle, \$.25; Pullman, Seattle to Portland, T. R. 36805 (\$2.00.) N. P. Ry. fare to Portland from Seattle & mileage book 5363, 946 Nos. 1051 to 1236. Examining files at superior court, Seattle, Wash., in re suit of Clarence Cunningham vs. Watson Allen.

Wednesday, the 15 day of December, 1909, Portland, Ore.:

Fee to Pullman porter, .25. Transfer of trunk from depot to house, Portland, Ore., .50. Telegram to chief at Heppner, Ore., .25. Ar. Portland, Ore., 7.15 a. m. Interviewed D. B. Fisk & M. Jacobs in re state selec. 375, State of Oregon. Reading over statement of fact in case of Cunningham vs. Allen for information in re Alaska coal cases.

Thursday, the 16 day of December, 1909, Portland, Ore.:

At office U. S. atty. making abstract of pending civil & criminal cases in circuit & district courts.

Friday, the 17 day of December, 1909, Portland, Ore.:

At office U. S. attorney making abstract of pending cases, civil & criminal, in U. S. district & circuit courts.

Saturday, the 18 day of December, 1909, Portland, Ore.:

At office U. S. attorney making abstract of pending cases in circuit & district courts for district of Oregon. Wrote A. Tennant, Seattle, Wn., returning papers in case of Cunningham vs. Allen. Wrote J. M. Sheridan, spl. agt. G. L. O., transmitting extract from record of Cunningham vs. Allen.

Sunday, the 19 day of December, 1909, Portland, Ore.:

Sunday.

Monday, the 20 day of December, 1909, Headquarters:

At office U. S. atty. making abstract of pending cases in U. S. district & circuit courts for district of Oregon.

Tuesday, the 21 day of December, 1909, Headquarters:

At office U. S. atty. making abstract of pending cases in U. S. district & circuit courts for district of Oregon.

Wednesday, the 22 day of December, 1909, Headquarters:

Examining Portland, Oregon, land office.

Thursday, the 23 day of December, 1909, headquarters:

Examining Portland, Ore., land office. Making report on same.

Friday, the 24 day of December, 1909, headquarters:

Completed report on Portland, Oregon, land office.

Saturday, the 25 day of December, 1909, headquarters:

Xmas.

Sunday, the 26 day of December, 1909, headquarters:

R. R. fare Portland to Roseburg, mileage book 1763, O. R. & N. Co., 1 to 199. Sleeper, see T. R. 36806 (\$2.00). Sunday.

Monday, the 27 day of December, 1909, Portland to Roseburg, Ore.:

Fee to Pullman porter, .25. Telegram to A. D. B. Kop, .25. Lv. Portland 1.15 a. m., ar. Roseburg 9.15 a. m. via S. P. R. R. Examining Roseburg, Ore., land office.

Tuesday, the 28 day of December, 1909, Roseburg to Portland:

Pullman berth Roseburg to Portland, T. R. 36807 (\$2.00). Fare Roseburg to Portland, mileage book 1763, O. R. & N., 200 to 398. Examining Roseburg, Oregon, land office. Lv. Roseburg 11.20 p. m. en route to Portland, Ore.

Wednesday, the 29 day of December, 1909, headquarters:

Fee to Pullman porter en route to Portland, .25. Ar. Portland, Ore., 7.30 a. m. Making report on Roseburg, Ore., land office.

Thursday, the 30 day of December, 1909, headquarters.

Friday, the 31 day of December, 1909, headquarters.

## DAILY REPORTS, ANDREW KENNEDY, MARCH, 1909, TO DECEMBER, 1909.

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*Daily reports, March, 1909.*

[All signed "Andrew Kennedy, special agent."]

Monday, Mch. 1, 1909, Portland, Ore.:

Arranging cases for field examination. Consulted with Mr. Glavis, chief, in re Idaho cases. At Portland, Ore., to O. R. & N., T. R. 17958 for ticket Portland, Ore., to Shaniko, Ore., \$6.00. At Portland, Ore., to O. B. B. Co., baggage, hotel to depot, .25.

Tuesday, Mch. 2, 1909, Portland and Dalles, Oregon:

Working on and completed report in re Idaho case. At 7 p. m., via O. R. & N., leave Portland, ar. at The Dalles, Ore., 9.45 p. m. Paid Pullman Co. for seat, Portland to The Dalles, Ore., .50.

Wed., Mch. 3, 1909, The Dalles &amp; Shaniko, Ore.:

At The Dalles land office. Examined tract books in re cases for field examination. At 11.15 a. m., via O. R. & N., leave The Dalles. Ar. at Shaniko 5.20 p. m. Paid at The Dalles for baggage, depot to hotel and returning to depot, \$.25.

Thursday, Mar. 4, 1909, Shaniko and Antelope, res. of J. E. Kimsey, sec. 20, T. 8, R. 16.

At 9.15 a. m. lv. Shaniko, Ore., for country with two horses, buggy, and driver. At 6.50 p. m. put up for night at residence of Seldon Simpson in sec. 20, T. 8, R. 16. Drove 20 miles, roads bad.

Friday, March 5, 1909, res. J. E. Kimsey, S. 20, T. 8, R. 16; res. N. A. Newbill, S. 5, T. 13, R. 15:

At 7.30 a. m. lv. rd. of J. E. Kimsey, sec. 20, T. 8, R. 16, via 2 horses, buggy, and driver. Drove 35 miles, roads good.

Saturday, March 6, 1909, res. N. A. Newbill, S. 5, T. 13, R. 15:

At 7.40 a. m. lv. res. N. A. Newbill, 2 horses, buggy, and driver, for country. Ex. T. T. 890 of John Kemmling (good). Ar. at Prineville 4 p. m.; drove 25 miles; road bad; snow and mud.

Sunday, Mch. 7, 1909, Prineville country, sec. 8, T. 14, R. 18, and Prineville, Ore.:

At 7.30 a. m. lv. Prineville for country, two horses, buggy, and driver. Ar. at Prineville, Ore., at 7 p. m. Drove 41 miles; roads fair.

Monday, March 8, 1909, Prineville, Ore., and country:

At 7.40 a. m. lv. Prineville, Ore., for country via team and driver. Ar. at Prineville, Ore., at 5.10 p. m. Drove 24 miles; roads fair.

Tuesday, Mch. 9, 1909, Prineville and country:

At 7.30 a. m., lv. Prineville, Ore., for country via team and driver. From Prineville to first work on my list, which is in T. 17, R. 24, is 60 miles. Drove 36 miles of the trip. Drove to sec. 4, T. 17, R. 20. Put up for night at 5.30 p. m. Roads hilly and muddy.

Wednesday, Mch. 10, 1909, Paulina and country, sec. 4, T. 17, R. 20:

At 7.10 a. m. lv. sec. 4, T. 17, R. 20, with team and driver for country. At 6.30 p. m. put up for night at residence of March Logan on sec. 4, T. 16, R. 24. Drove 38 miles; roads bad.

1013 Thursday, Mch. 11, 1909, residence of March Logan, sec. 4, T. 16, R. 24, and country:

At 8 a. m. lv. residence of March Logan, sec. 4, T. 16, R. 24, via team and driver for country. Ar. at residence of Martha Treichel at 6 p. m. in sec. 32, T. 16, R. 25. Drove 15 miles; road fair.

Friday, March 12, 1909, at residence of Martha Treichel, sec. 32, T. 16, R. 25, and country:

At 7 a. m. Lv. residence of Martha Treichel, sec. 32, T. 16, R. 25, with team and driver for country. Ar. at Supplee, Ore., at 6 p. m. Drove 28 miles; roads bad.

Saturday, Mch. 13, 1909, Supplee, Ore., and country:

At 7.30 a. m. Lv. Supplee, Ore., for country via team and driver. At 6.30 p. m. put up for night at residence of I. M. Mills. Drove 14 miles around fences; roads hilly.

Sunday, Mch. 14, 1909, at residence of I. M. Mills, sec. —, T. 18, R. 25, and country:

At 8 a. m. Lv. residence of I. M. Mills, T. 18, R. 25, by team and driver for the country. Ar. at residence of A. L. Mackintosh at 5.30 p. m. Drove all day around fences; made about 20 miles.

Monday, March 15, 1909, at residence A. L. McIntosh, T. 19, R. 24 &amp; country:

At 8 a. m. Lv. residence of A. L. McIntosh, T. 19, R. 24, for country, with team and driver. Drove 28 miles; roads bad.

Tuesday, Mch. 16, 1909, at residence Mr. Street, S. 22, T. 21, R. 23, and country:

At 7 a. m. Lv. residence of Mr. Street, sec. 22, T. 21, R. 23, for country via team and driver. At 5 p. m. put up for the night at residence of Paul Held, in sec. 4, T. 19, R. 19. Drove 40 miles; roads good and bad.



Wednesday, Mch. 17, 1909, at residence of Paul Held, sec. 4, T. 19, R. 19, and country:

At 7.45 a. m. Lv. residence of Paul Held, sec. 4, T. 19, R. 19, and country via team and driver. At 5.10 p. m. put up for night at residence of Chas. Daley, in sec. 34, T. 17, R. 15. Drove 31 miles; roads very hilly and muddy.

Thursday, Mch. 18, 1909, at residence of Chas. Daley, sec. 34, T. 17, R. 15, Bend country and Laidlaw, Ore.:

At 7.15 a. m. lv. residence of Chas. Daley, sec. 34, T. 17, R. 15, via team and driver for country. Ar. at Laidlaw, Ore., at 4 p. m.; put up for night at 9 p. m. Drove 30 miles. Roads fair.

Friday, Mch. 19, 1909, Laidlaw, country, Tumalo and Cline Falls, Ore.:

At 7.40 a. m. lv. Laidlaw via team and driver for country. At 6.10 p. m. ar. at Cline Falls, Ore.; put up for night.

Saturday, Mch. 20, 1909, Cline Falls, Ore., and country, Youngs, P. O.:

At 7 a. m. lv. Cline Falls via team and driver for country en route to Shaniko. Drove 42 miles; put up for night at Youngs P. O., at 5.10 p. m. On 18th at Bend, Ore.; paid for phone message, Bend to Prineville, \$0.50; on 18th at Laidlaw, Ore.; paid for two phone messages from Laidlaw to country, \$0.20.

Sunday, Mch. 21, 1909, Youngs P. O. & Shaniko, Ore.:

At 7 a. m. lv. Youngs P. O. via team and driver for Shaniko, Ore. Ar. at Shaniko 3 p. m. Drove 32 miles on Vr. 1; paid D. A. Howell, of Shaniko, Ore., for hire of two horses, buggy, and driver from Shaniko, Ore., to country and return, from 9.15 a. m., Mch. 4, to 3 p. m., Mch. 21, 1909, 18 days, at \$6.22 per day, cost of boarding driver and horses included in cost of hire, \$111.96.

Monday, Mch. 22, 1909, Shaniko and Portland, Ore.:

At Shaniko, issued to O. R. & N. Co. T. R. 17959 for transportation, Shaniko to Portland, Ore., \$6.00. At — a. m. lv. Shaniko, Ore., via O. R. & N. Ar. at Portland at 5.45 p. m.; at Portland paid B. & O. transfer, baggage, depot to hotel and office, \$0.50.

Tuesday, Mch. 23, 1909, Portland, Ore.:

Paid M. F. Davis, P. M., Union, Ore., Vr. 2, 3, & 4, service of subpoenas on Geo. Huffman, W. B. Gassett, and Lewis E. Titus, in case of U. S. vs. Wm. Haynes, H. E. 03346, 3, at 1.00 each, \$3.00. Paid H. S. Casteel, P. M., Pilot Rock, Ore., on Vr. 5 & 6, service of subpoena on C. W. Matthews, U. S. vs. Wm. Gritton, Umatilla, C. E. 570, and on D. C. Phillips, U. S. vs. Mary Jordan, H. E. 12360, 2, at 1.00 each, \$2.00. Wrote letter in re above. Arranging cases; examined for dictation.

Wednesday, Mch. 24, 1909, Portland, Ore., and en route:

Paid on Vr. 7, to Frank Ferguson, Alene, Ore., service of subpoena on Frank Ferguson in case U. S. vs. Grace E. Smith, H. E. 13074, \$1.00. At Portland paid for baggage hotel to depot, .25. At 7.45 p. m., via S. P. Ry. lv. Portland for Medford, Ore. Paid Pullman Co. for berth, Portland to Medford, Ore., \$2.50. Paid on train S. P. Ry. Co. for ticket from Portland to Salem, Ore. (did not have time to purchase ticket), \$1.65. At Salem, Ore., issued to S. P. Ry. Co. T. R. 17960 for ticket Salem, Ore., to Medford, Ore., and return, fare \$16.60.

1014 Thursday, Mch. 25, 1909, Medford and Jacksonville, Ore.:

Paid porter fee en route Portland to Medford, Ore., .25; ar. at Medford, Ore., at 11.05 a. m. At 11.30 a. m. lv. Medford via R. R. V. Ry., ar. Jacksonville at 12 noon. Paid R. R. V. Ry. Co. fare Medford to Jacksonville, Ore., .25. At Jacksonville, Ore., ex. county records in recorder's office.

Friday, Mch. 26, 1909, Jacksonville, Ore., and en route:

At county recorder's office in Jacksonville, Ore., ex. records. At 3.30 p. m. lv. Jacksonville, Ore., via R. R. V. Ry., ar. at Medford, Ore., 4 p. m. Paid R. R. V. Ry. Co. fare Jacksonville, Ore., to Medford, Ore., \$.25; at Medford, Ore., paid Pullman Co. for berth Medford, Ore., to Portland, Ore., \$2.50; at 5.45 p. m. via S. P. Ry., lv. Medford, Ore. On the train paid S. P. Ry. Co. fare from Salem, Ore., to Portland, \$1.65; when leaving Portland did not have time to purchase ticket until reaching Salem, Ore.

Saturday, Mch. 27, 1909, Portland, Ore.:

Paid porter fee en route Medford to Portland, Ore., \$.25; ar. at Portland, Ore., at 7.30 p. m. At Portland, Ore., paid for baggage, depot to hotel, \$.25. Wrote letter R. A. R., Burns, for data. Wrote letter J. C. Turney, Burns, in re town plats. Reported findings of records at Jacksonville, Ore. Paid on Vr. 8 & 9 to J. T. Brown, Pendleton, Ore., serving subpoena on Allen Rhodes in case U. S. vs. Chas. C. Foster, Umatilla entry, 329, and subpoena on Neut Newton in case of U. S. vs. Alfred Tillman, deceased, Umatilla entry 689, two (2) at 1.00 each, 2.00.

Sunday, Mch. 28, 1909, Portland, Ore.:

Assisting Mr. Glavis, chief of Field Div., with papers in Binger Hermann case.

Sunday, March 28, 1909, Portland, Ore.:

Assisted Mr. Glavis, chief of field division, in Binger Hermann papers.

Monday, Mch. 29, 1909, Portland, Ore:

Assisting Mr. Glavis, chief of Field Div., with papers in Binger Hermann case.

Tuesday, Mch. 30, 1909, Portland, Ore.:

Assisting Mr. Glavis, chief of Field Div., with papers in Binger Hermann case. Issued at Portland to N. P. Ry., T. R. 17961, ticket, Portland to Seattle, Wash.; fare, \$5.60. At Portland paid Pullman Co. berth, Portland to Seattle, \$2.00. At Portland, on Vr. 10, paid excess baggage & cartage \$4.10. At Portland, paid bus fare, hotel to depot, .25. At 11.45 p. m. lv. Portland for Seattle, Wn.

Wednesday, Mch. 31, 1909, Seattle, Wn.:

Paid porter fee, en route Portland to Seattle, \$.25. Ar. at Seattle, Wn., 7 a. m. At Seattle paid, on Vr. 11, Seattle Transfer Co., cartage on baggage of Mr. Glavis, chief, and self, depot to hotel, \$3.20. Assisted Mr. Glavis in temporary office in post-office bldg.

### *Daily reports, April, 1909.*

[All signed "Andrew Kennedy, special agent."]

Thursday, April 1, 1909, Seattle, Wn.:

Assisting Mr. Glavis, chief, with papers in temporary office in P. O. building. On Vr. 1 paid Pacific Express Co., express on government papers and files from Portland to Seattle, 1,236 lbs. at \$1.25 per hundred graduate rate, \$13.60.

Friday, April 2, 1909, Seattle, Wn.:

Assisting Mr. Glavis, chief, with papers in temporary office in post-office building.

Saturday, April 3, 1909, Seattle, Wn.:

Assisting Mr. Glavis, Chief of Field Division, with papers and files in Seattle office.

Sunday, April 4, 1909, Seattle, Wash., Sunday.

Monday, April 5, 1909, Seattle, Wn.:

Assisting Mr. Glavis, Chief of Field Division, with papers and files in office.

Tuesday, April 6, 1909, Seattle and Fairfax, Wn.:

Assisting Mr. Glavis, Chief Field Div., in office with papers and files. At Seattle, Wn., paid N. P. Ry. Co. for ticket from Seattle to Fairfax, Wn., \$1.70. At 2.40 p. m. lv. Seattle, Wn., via N. P. Ry. Ar. at Fairfax, Wn., 7.20 p. m.

Wednesday, Apr. 7, 1909, Fairfax, Wn., & country:

Paid at Fairfax, Wn., to Pacific States Telep. & T. Co. for message from Fairfax to Forest Supv. G. F. Allen at Orting, for authority to use ranger as a guide.

Thursday, April 8, 1909, Fairfax, Wn., and country:

At 8.15 a. m. lv. Fairfax, Wn., for country via saddle horse, and T. E. O. Farrel, Ranier P. org guard, as a guide. Ar. at Fairfax, Wn., at 5.15 p. m.

Friday, April 9, 1909, Fairfax, Tacoma, & Seattle, Wn.:

At 5.40 a. m. lv. Fairfax via N. P. Ry. Ar. at Tacoma 8.15 a. m. Paid N. P. Ry. ticket Fairfax to Tacoma, \$1.24. In Tacoma paid four street-car fares at 5c each, .20. At Tacoma pd. Puget Sound Ry. Co. fare Tacoma to Seattle, .60. At 4.15 p. m. via P. S. Ry. lv. Tacoma. Arrive Seattle, Wn., 5.40 p. m.

1015 Saturday, April 10, 1909, Seattle, Wn.:

Made fav. rpt.

Sunday, April 11, 1909, Seattle, Wn.:

Assisted Mr. Glavis, chief, with papers and files in the office.

Monday, April 12, 1909, Seattle, Wash.:

On sick leave with pay.

Tuesday, Apr. 13, 1909, Seattle, Wash.:

On sick leave with pay.

Wednesday, Apr. 14, 1909, Seattle, Wash.:

On sick leave with pay.

Thursday, Apr. 15, 1909, Seattle, Wash.:

On sick leave with pay.

Friday, Apr. 16, 1909, Seattle, Wash.:

On sick leave with pay.

Saturday, Apr. 17, 1909, Seattle, Wash.:

On sick leave with pay.

Sunday, Apr. 18, 1909, Seattle, Wash.:

On sick leave with pay.

Monday, Apr. 19, 1909, Seattle, Wash.:

On sick leave with pay. Paid Pacific States Telephone Co. for message, Seattle to Palmer, Wash., to secure coal examiner, .25.

Tuesday, Apr. 20, 1909, Seattle, Wash.:

On sick leave with pay.

Wednesday, Apr. 21, 1909, Seattle, Wash.:

On sick leave with pay.

Thursday, April 22, 1909, Seattle, Wash.:

On sick leave with pay.

Friday, Apr. 23, 1909, Seattle, Wash.:

On sick leave with pay.

Saturday, Apr. 24, 1909, Seattle, Wash.:

On sick leave with pay.

Sunday, Apr. 25, 1909, Seattle, Wash.:

On sick leave with pay.

Monday, Apr. 26, 1909, Seattle, Wash.:

On sick leave with pay. Paid for Postal Teleg. Co. for telegram from Mr. Glavis, chief, .20; paid Western Un. Teleg. Co. for telegram to Mr. Glavis, chief, .36; paid Westn. Un. Teleg. Co. for telegram to Mr. Glavis, chief, .38; paid Westn. Un. Teleg. Co. for telegram from Mr. Brooke, coal ex., .25.

Tuesday, Apr. 27, 1909, Seattle, Wash.:

On sick leave with pay.

Wednesday, Apr. 28, 1909, Seattle, Wash.:

On sick leave with pay. Paid Westn. Un. Teleg. message to Mr. Brooke, coal ex., \$0.20.

Thursday, Apr. 29, 1909, Seattle, Wash.:

Reported for duty at 9 a. m., after a sick leave. Prepared list of cases for field ex. and instructed new temporary coal ex. Geo. A. Brooke, preparatory to his making a field trip.

Friday, Apr. 30, 1909, Seattle, Wash.:

Checking and signing reports dictated while in Portland division. Preparing list of cases for Agent Raymond E. Gery, for field ex. Paid Postl Telg. for telegram from Christiansen, chief, \$0.25; paid W. U. Teleg. for telegram to Christiansen, chief, \$0.24; Paid W. U. Teleg. for telegram to Glavis, chief, \$0.49. Issued T. R. 17962 to G. N. Ry. ticket Seattle to Chicago, \$56.90; issued T. R. 17963 to G. N. Ry., berth, Seattle to St. Paul, \$12.00.

#### *Daily reports, May, 1909.*

[All signed "Andrew Kennedy, special agent."]

Saturday, May 1, 1909, Seattle and en route:

Checking and signing reports dictated when at Portland office. Pd. Post. Tel. Co. for telegram from Christiansen, chief, .20; Pd. W. U. Tel. Co. for telegram to Christiansen, chief, .24. At 9.30 p. m., Lv. Seattle via G. N. Ry. for Chicago. At Seattle, paid Seattle Transf. Co., trunk hotel to depot, .50; at Seattle, bus fare hotel to depot, .25. At 9.30 p. m., Lv. Seattle, Wn., via G. N. Ry., for Chicago.

Sunday, May 2, 1909, en route Seattle to Chicago:

En route G. N. Ry., Seattle, Wn., to Chicago, Ill.

Monday, May 3, 1909, en route Seattle to Chicago:

En route G. N. Ry., Seattle, Wn., to Chicago, Ill.

1016 Tuesday, May 4, 1909, en route Seattle to Chicago:

En route Seattle to Chicago via G. N. Ry. Ar. at St. Paul 2.30 p. m. Paid porter fee en route Seattle to St. Paul, Minn., .75; paid C. M. & St. P. Ry. Co. one 1st class berth St. Paul, Minn., to Chicago, Ill., \$2.00; at St. Paul paid checking suit case, .10. At 8.25 p. m., Lv. St. Paul via C. M. & St. P. Ry. for Chicago.

Wednesday, May 5, 1909, Chicago, Ill.:

Paid porter fee en route St. Paul to Chicago, Ill., .25; Ar. in Chicago at 9 a. m., Paid Parmalee Transfer Co. for self and baggage depot to hotel, .75. Locating addresses of persons in re Alaska coal cases.

Thursday, May 6, 1909, Chicago, Ill.:

Locating addresses of persons in re Alaska coal cases. Secured affidavit of Chas. T. Luckow in re Alaska coal cases. In Chicago, paid 4 street car fares, at 5c. each, .20.

Friday, May 7, 1909, Chicago, Ill.:

Secured affidavits of Chas. F. Stone, Peter A. Schriver, and Toney Beggio in re Alaska coal cases. In Chicago, paid 7 street car fares, at 5c. each, .35.

Saturday, May 8, 1909, Chicago, Ill.:

Secured affidavits of Jessie L. Quesenberry, Joseph J. O. Grady, and C. P. Lyon for himself and wife in re Alaska coal cases. In Chicago, paid 5 street car fares and two phone messages, 7 at 5c. each, .35.

Sunday, May 9, 1909, Chicago, Ill., Sunday.

Monday, May 10, 1909, Chicago, Ill.:

Made effort to-day interviewing H. S. Oakley, Wm. C. Cook, H. Wollensberger, H. M. Finley, to secure affidavits in re Alaska Coal cases. Said they must consult agents or attorneys. In Chicago, paid 5 street car fares, at 5c. each, .25.

Tuesday, May 11, 1909, Chicago, Ill.:

Secured affidavits of Chas. B. Wood, H. S. Oakley, F. R. Thompson, H. Wollensberger, H. M. Finley, Fayette F. Munroe, and Harry Mussen in re Alaska coal cases. In Chicago, paid 6 street car fares, at 5c. each, .30.

Wednesday, May 12, 1909, Chicago, Ill.:

Secured affidavits of J. P. Turpin, Wm. C. Cook, of Geo. M. Seward, for his wife, L. F.; A. L. Drum, Geo. M. Seward, and W. S. Wandtke in re Alaska coal cases. In Chicago pd. 4 street-car fares, at 5c. each, \$0.20; pd. Wabash Ry. Co. on vr. one for baggage of Agent Stoner Bowman, Chief Glavis, and self. Hotel to depot, 4 trucks, at 50c. each, \$2.00; at 11 p. m. lv. Chicago for Detroit, Mich., via Wabash Ry. on transportation and berth furnished by Chief Glavis. Pd. in Chicago cab fare, hotel to depot, \$0.50.

Thursday, May 13, 1909, Detroit, Mich.:

Pd. porter fee en route Chic., Ill., to Detroit, Mich., 25. Ar. at Detroit, Mich., 7.30 a. m. Secured affidavits of Nelson B. St. John and Hal B. Stephens in re Alaska coal cases.

Friday, May 14, 1909, Detroit, Mich.:

Registering letter to Wm. D. Hanna, clerk, at Seattle, Wash., .08; spent the day with Mr. Glavis, chief, locating and interviewing Messrs. Roem and Paton, secty. & treas. of co. in Alaska in re coal cases. Worked until 12 m., comparing papers typewritten this day. At Detroit paid 4 street-car fares, at 5c. each and one phone message, at 5c., .25.

Saturday, May 15, 1909, Detroit, Mich., & en route:

Assisted typewriter copying papers. Assisted Chief L. R. Glavis in securing affidavits of Albert M. Roem, Arthur Homes, H. W. Paton, Frank Andres, N. L. McBean, Geo. W. Ross, M. J. Thiems, and J. W. Drake in re Alaska coal cases. At Detroit paid 5 street-car fares, at 5c. each, two phone messages, at 5 each (7), at 5c., .35; at Detroit pd. Cadillac Hotel for baggage, depot to hotel, 3 pieces, .95; at Detroit, bus fare, hotel to depot, .25; at Detroit, baggage, hotel to depot (1) piece, .35; at Detroit, Pullman Co. berth, Detroit to Pittsburg, Pa., \$2.00. At Detroit, issued to Michigan Central Ry. T. R. 17964 for ticket for myself, Detroit, Mich., to Pittsburg, Pa., fare, \$6.35, and for L. R. Glavis, chief, T. R. 17965 for ticket, Detroit, Mich., to Washington, D. C., fare, \$14.25. At 8.05 p. m. lv. Detroit, Mich., for Pittsburg, Pa., via Mich. Ctr. & P. R.

Sunday, May 16, 1909, Pittsburg, Pa.:

Paid porter en route Detroit to Pittsburg, Pa., \$.25; ar. Pittsburg, Pa., 7.05 a. m. Made effort to interview John A. Steele in re Alaska coal cases. Learned he is in Tulsa, Oklahoma. At Pittsburg, Pa., paid for two phone messages, 10c. each, \$.20. At Pittsburg, Pa., paid (4) street-car fares, at 5c. each, \$.20. At Pittsburg, Pa., to Penna. R. R. issued T. R. 17966 for ticket, Pittsburg to Wilkes-Barre, Pa., \$7.54.

Monday, May 17, 1909, Pittsburg, Pa.:

On leave of absence with pay.

Tuesday, May 18, 1909, Pittsburg, Pa.:

On leave of absence with pay.

1017 Wednesday, May 19, 1909, Pittsburg, Pa., and Wilkes-Barre, Pa.:

After leave of absence began duty at 8 a. m. At 8 a. m. lv. Pittsburg, Pa., for Wilkes-Barre, Pa., via Penna. R. R.; ar. at Wilkes-Barre at 6 p. m. Paid for seat Pittsburg to Lewistown Junction, .95; paid porter fee en route Pittsburg to Lewistown, Pa., .10.

Thursday, May 20, 1909, Wilkes-Barre, Pa.:

Spent the day investigating standing of coal claimants in Wilkes-Barre, Pa. Secured affidavits of Francis Douglas and Ed. W. Davis in re Alaska coal cases. Pd. W. U. Teleg. Co. for telegram to L. R. Glavis, chief, from Wilkes-Barre, Pa., to Washington, D. C., 27 words, .27; pd. Laurel Line Ry. Co. fare Wilkes-Barre to Scranton, Pa., .30.

Friday, May 21, 1909, Scranton, Pa., Washington, D. C.:

Issued to D. L. & W. Ry. Co. T. R. 17967 from Scranton, Pa., to Washington, D. C.; fare, \$6.25. At 10.20 a. m. lv. Scranton, Pa., ar. at Washington, D. C., 8.15 p. m., via D. L. & W. and Penna. R. R. Pd. Pullman Co. for seat Scranton, Pa., to Stroudsburg, 30c.; Phila. to Washington, D. C., 75c.; total, \$1.05; fee to porter en route Scranton, Pa., to Washington, D. C., .25.

Saturday, May 22, 1909, Washington, D. C.:

Consulting with Mr. Glavis, chief of field division, in re Alaska coal cases.

Sunday, May 23, 1909, Washington, D. C.:

Sunday.

Monday, May 24, 1909, Washington, D. C.:  
 Assisting Mr. Glavis, chief of field division, with papers in re Alaska coal cases.  
 Tuesday, May 25, 1909, Washington, D. C.:  
 Assisting Mr. Glavis, chief field division, with papers in re Alaska coal cases.  
 Wednesday, May 26, 1909, Washington, D. C.:  
 Assisting Mr. Glavis, chief field division, with papers in re Alaska coal cases.  
 Thursday, May 27, 1909, Washington, D. C.:  
 Assisting Mr. Glavis, chief of field division, with papers in re Alaska coal cases.  
 Friday, May 28, 1909, Washington, D. C.:  
 Assisting Mr. Glavis, chief of field division, with papers in re Alaska coal cases.  
 Saturday, May 29, 1909, Washington, D. C.:  
 Assisting Mr. Glavis, chief of field division, with papers in re Alaska coal cases.  
 Sunday, May 30, 1909, Washington, D. C.:  
 Sunday.  
 Monday, May 31, 1909, Washington, D. C.:  
 Holiday.

*Daily reports, June, 1909.*

[All signed "Andrew Kennedy, special agent."]

Tuesday, June 1, 1909, Washington, D. C.:  
 Assisting Mr. Glavis, chief field division, with papers in re Alaska coal cases.  
 Wednesday, June 2, 1909, Washington, D. C.:  
 Assisting Mr. Glavis, chief field division, with papers in re Alaska coal cases.  
 Thursday, June 3, 1909, Washington, D. C., and en route:  
 Three phone messages, at 5c. each, at Wash., D. C., \$.15; two street car fares, at 5c. each, at Wash., D. C., \$.10; two trunk straps (for trunk with gov. papers), Wash., D. C., \$.50; cartage on trunk depot to hotel, and hotel to depot, Wash., D. C., \$.50; cartage on trunk, land office to depot, at Wash., D. C., \$.50; Pullman Co. sleeper, Wash., D. C., to N. Y., at Wash., D. C., \$.20.00; cab, hotel to depot, at Wash., D. C., \$.35; excess on baggage, Wash., D. C., to N. Y. (P. R. R.), at Wash., D. C., \$.80; to P. R. R., T. R. 17968, two tickets, Wash., D. C., to N. Y. C., at Wash., D. C., \$.11.30; carried E. L. Glavis, chief. At 12.30 a. m. lv. Wash., D. C., via P. R. R.  
 Friday, June 4, 1909, New York, N. Y.:  
 Porter fee, on sleeper, \$.25. Ar. N. Y. at 7.30 a. m. Baggage, depot to hotel, New York, \$.50; cab, depot to hotel, New York, \$.50. Locating and learning social and financial standing of claimants in re Alaska coal entries.  
 Saturday, June 5, 1909, New York, N. Y.:  
 With L. R. Glavis, chief, secured affidavit of Carter W. Caleb. Located and went to address of Porter L. Howe; learned he is now in Los Angeles. All in re Alaska coal entries.  
 Sunday, June 6, 1909, New York, N. Y., Sunday.  
 Wednesday, June 9, 1909, Boston, Mass.; Warren, Maine:  
 Located residence of F. B. Perry, at Allston; not at home. Located Helen M. Fitch, now Mrs. Philbrick, of Spokane, Wash. Three phone messages at 5c. each, at Boston, Mass., \$.15; 2 street-car fares, at 5c. each, at Boston, Mass., \$.10; cab, hotel to depot, at Boston, Mass., \$.50; seat in chair car, Boston to Brunswick, Me., \$.75; fee to 1018 porter, chair car, \$.25. At 1.15 p. m. lv. Boston; ar. Warren, Me., 8.25 p. m. Phone message from depot at Warren to Union, Me., \$.10.  
 Monday, June 7, 1909, New York, N. Y., and Bridgeport, Conn.:  
 Secured affidavit of Edgar Allen (colored). Located and went to residence of A. S. McDougal; he was out of the city. 7 phone messages, at 10c. each, from Albany Hotel in N. Y., \$.70. 8 street car fares in New York, at 5c. each, .40. All in re Alaska coal entries. To N. Y. N., H. & H., T. R. 17969, ticket N. Y. to Warren, Maine, and ret., \$.17.80. Cab hotel to depot at New York, .50. At 6 p. m. lv. N. Y., ar. at Bridgeport, Conn., 7.40 p. m. (using stop-over on ticket). Seat in Pullman N. Y. to Bridgeport, Conn., .50. Cab depot to hotel at Bridgeport, Conn., \$.25; two street car fares, at 5c. each, at Bridgeport, Conn., \$.10. Called on Joseph C. Mayher at Bridgeport; not at home.  
 Tuesday, June 8, 1909, Bridgeport, Conn., Winstead, Conn., & Boston, Mass.:  
 Called at residence of Joseph C. Mayher; not at home. N. Y., N. H. & H. for ticket Bridgeport to Winstead, Conn., & return, \$.25. At 9.35 a. m. lv. Bridgeport; ar. Winstead, Conn., 11.55 a. m. (Checking suit case at parcel check room at Winstead, Conn., .10. Carriage depot to suburbs & return to depot at Winstead, Conn., \$.50. Secured affidavits of Addie N., Nancy M., and Frank E. Dickerman in re Alaska coal entries. At 1.45 p. m. lv. Winstead; ar. at Bridgeport, Conn., 3.55 p. m. Called at residence of Joseph C. Mayher; not at home. Five street car fares, at 5c. each, at

Bridgeport, Conn., .25. At 6.30 p. m. lv. Bridgeport, Conn.; ar. at Boston, Mass., 11 p. m. Paid for seat in chair car Bdgt. to Boston, \$1.00; fee to porter on chair car .25; cab depot to hotel in Boston, Mass., .50.

Thursday, June 10, 1909, Warren & Union, Me., & Boston, Mass.:

At 5 a. m. lv. Warren, Me., via horse, buggy, and driver for country, rig returning without me. Secured statement of Emile Thurston; would not sign. On lv. I paid L. D. Gamage, of Warren, Me., hire of horse, buggy, and driver, Warren to country, rig returning without me, the trip, \$2.00. At 7.35 a. m. lv. Union, Me. Arrive at Warren, Me., at 8.15 a. m. Georgeas Valley R. R. fare Union to Warren, Me., .40. At 8.30 a. m. lv. Warren, Me. Ar. at Boston, Mass., at 3.50 p. m. Seat in chair car Brunswick, Me., to Boston, Mass., .75; fee to porter on chair car, .25; cab depot to hotel at Boston, Mass., .50; 3 phone messages, at 5c. each, at Boston Mass., .15; 4 street car fares, 5c. each, at Boston, Mass., .20. Secured affidavit of Frank B. Perry at 10.30 p. m. All in re Alaska coal entries.

Friday, June 11th, 1909, Boston, Mass., Bridgeport, Conn., and New York, N. Y.:

Cab fare hotel to depot at Boston, Mass., \$.50. At 10 a. m. lv. Boston. Ar. at Bridgeport, Conn., at 2.30 p. m. Seat in chair car Boston to Bridgeport, Conn., \$1.00; fee to porter on chair car, .25; 6 street car fares, at 5c. each, at Bridgeport, Conn., .30; 3 phone messages, 5c. each, at Bridgeport, Conn., .15. Called at homes of Josephine Mayher, Mrs. Perry, John Crossley, and Judge Wheeler in re Alaska coal cases. Miss Mayher has a coal entry. Mfs. Perry has stock in a coal co. Both were noncommittal until receiving advice from attorneys. Am to meet attorneys Saturday. Worked until 9.30 p. m.

Saturday, June 12, 1909, Bridgeport, Conn.:

4 phone messages, at 5c. each, at Bridgeport, Conn., \$.20; 1 phone message from Stratfield Hotel, Bridgeport to N. Y. to locate Frank Gould in Alaska coal entry, .40. Intv. Judge Wheeler, Judge Foster, and John Crossley. Judge Wheeler refused to give statement as to Mrs. Perry. Judge Foster had no information; Mr. Crossley would not give decision until Monday (Green group). At 3 p. m. lv. Bridgeport; ar. Rye, N. Y., 4.20 p. m. Went to residence of A. E. Dickerman, in suburb; not at home. On Vr. 2 send Billington Bros., Rye, N. Y., for hire horse, buggy, and driver from Rye, N. Y., to country and return, the trip, \$1.00. At 6.20 p. m. lv. Rye, N. Y., ar. in New York City 7.30 p. m. Cab, depot to hotel, in New York, .50. Went to residence of Dr. McDougal in Brooklyn, N. Y. He was not at home. 4 street-car fares in N. Y. at 5c. each, .20. Returned to hotel at 10 p. m.

Sunday, June 13, 1909, Coney Island, N. Y., New York, N. Y.:

Secured affidavits of Allen E. Dickerman and Dr. A. S. McDougal in re Alaska coal entries. One phone message at 10c. in New York, \$.10. 8 street-car fares at 5c. each, in New York, .40. To P. R. R. T. R. 17970, N. Y. to Philadelphia, Pa., and return fare, \$4.00. Pullman Co., for berth, New York to Philadelphia, Pa., \$1.50. At 10.30 p. m. lv. New York for Philadelphia. To D. L. & W. Co., T. R. 17971 N. Y. to Wilkes-Barre, Pa., not returning, \$3.65. Cab, hotel to depot, in New York, .50.

Monday, June 14, 1909, Phila., Pa., and New York, N. Y.:

Ar. at Phila., Pa., 7 a. m., fee to porter en route, \$.25; 6 street-car fares at 5c. each in Phila., Pa., .30. Secured affidavit of Frank Gould, Alaska cases. At 10.40 a. m.

lv. Phila., Pa., ar. in N. Y. 12.50, noon. On Vr. 3 paid Broadway Ctl. hotel for 1019 phone message, N. Y., to John Crossley in Bridgeport, Conn., \$1.10. Intv.

Arthur Wyman and Francis Wilson in re Alaska entries; have appointment for Tuesday. 2 phone messages at 10c. each in New York, .20; 7 car fares at 5c. each in New York, .35.

Tuesday, June 15, 1909, New York, N. Y., and en route to Wilkes-Barre, Pa.:

Intv. Francis Wilson, atty. for Josephine Mayher. Ex. letters, etc., he will have copies made and mail. Intv. Arthur Wyman, outlined affidavit; he will mail it. Pullman Co., berth, N. Y. to Wilkes-Barre, Pa., \$1.50; 5 phone messages at 10c. each in New York, .50; 7 street-car fares at 5c. each, in New York, .35; cab, hotel to depot, in New York, .50; at 10.30 p. m. lv. N. Y. for Wilkes-Barre, Pa.

Wednesday, June 16, 1909, Wilkes-Barre, Pa.:

Ar. at Wilkes-Barre, Pa., at 8 a. m. Paid porter on sleeper, \$.25. Secured aft. John Kachenback, John C. Weigard, and Geo. R. McLarin. Intv. F. K. Slegmarer and Henry Schultz; they state Mr. McLarin would make statement for them in re Alaska coal cases.

Thursday, June 17, 1909, Wilkes-Barre, Pa.:

On leave of absence with pay. Received by mail affidavit of Arthur Wyman in re Alaska coal cases. Wrote him letter of acknowledgment.

Friday, June 18, 1909, Wilkes-Barre, Pa.:

On leave absence with pay.

Saturday, June 19, 1909, Wilkes-Barre, Pa.:

On leave absence with pay. Received letters from Francis H. Wilson, of New York, in re coal entry of Josephine Mayher coal entry. Recd. telegram from L. R. Glavis, chief.

Sunday, June 20, 1909, Wilkes-Barre, Pa.:

Sunday. On leave absence with pay.

Monday, June 21, 1909, Wilkes-Barre, Pa.:

On leave absence with pay. Pd. W. U. Co. telegram Old Forge, Pa., to Seattle, Wash., to Mr. Glavis, chief, 28 words, \$.56. Pd. W. U. Co. telegram from Seattle to Old Forge, Pa., from Mr. Glavis, chief, 19 words, .40. On vr. 4 paid Frances H. Wilson 42 Broadway, N. Y., stenography work, copying papers in re Alaska coal entries, the job, 4.90.

Tuesday, June 22, 1909, Wilkes-Barre, Pa., Scranton, Pa.:

On leave absence with pay. W. U. Co. telegram Old Forge, Pa., to Seattle, Wash.; to Mr. Glavis, chief, 32 words, .64. Received letters from John Crossley, of Bridgeport, Conn., in re Josephine Mayher coal entry.

Wednesday, June 23, 1909, Wilkes-Barre, Pa.:

At 9 a. m. reported for duty, after leave absence. Investigated Alaska coal claimants. At 2.25 p. m. lv. Wilkes-Barre, Pa.; ar. at Scranton, Pa., 3 p. m. Pd. Laurel Line R. R. Co. fare Wilkes-Barre to Scranton, Pa., \$.30. To D. L. & W. R. R., T. R. 17972, for ticket Scranton, Pa., to Portland, Ore., fare \$73.40. Destination Seattle, fare no extra—may use other portion on official business before time expires. Pullman Co. 1st class berth Scranton, Pa., to Chicago, Ill., \$4.50. Parcel checking suit case at Scranton, Pa., \$.10. At 6.45 p. m. lv. Scranton, Pa., via D. L. & W. R. R. for Seattle, Wn.

Thursday, June 24, 1909, Chicago and en route Seattle:

Fee to porter on sleeper, \$.25. Ar. Chicago, Ill., at 6 p. m. At 6.40 p. m. lv. Chicago via C., M. & St. P. Paid C., M. & St. Paul R. R. berth Chicago to St. Paul, \$2.00.

Friday, June 25, 1909, St. Paul & en route to Seattle:

Fee to porter on sleeper, \$.25. Ar. St. Paul, Minn., 7.30 a. m. At St. Paul to Pullman Co., T. R. 17973, berth St. Paul to Portland, Ore., \$12.00. At 11 a. m. leave St. Paul for Seattle via N. P. Ry.

Saturday, June 26, 1909, en route to Seattle, N. P. Ry.:

Fee to porter on sleeper, \$.25.

Sunday, June 27, 1909, en route to Seattle, N. P. Ry.:

Fee to porter on sleeper, \$.25. Arrive in Seattle, Wn., 8.15 p. m. Bus fare, depot to hotel, Seattle, Wn., \$.25.

Monday, June 28, 1909, Seattle, Wn.:

In office working on Alaska coal reports. Cartage on trunk, depot to hotel, Seattle, Wn., \$.50.

Tuesday, June 29, 1909, Seattle, Wn.:

In office working on Alaska coal reports.

Wednesday, June 30, 1909, Seattle, Wn.:

In office working on Alaska coal reports. Secured affidavit of M. A. Arnold in re Alaska coal entries. Baggage, hotel to depot, in Seattle, Wn., \$.50; at 10.20 p. m. lv. Seattle, Wn., for Portland, Ore., via N. P. Ry.

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### *Daily reports, July, 1909.*

[All signed "Andrew Kennedy, special agent."]

Thursday, the 1st day of July, 1909, Portland, Ore.:

Fee to porter, 25c.; buss fare, 25c.; baggage to hotel, 50c. Ar. Portland 8 a. m. Secured affidavit Sara J. Swartz. Intv. postmaster and locating claimants all in re Alaska coal entries. Ret. request book 1319; requests unused 17974 to 17977.

Friday, the 2d day of July, 1909, Portland, Ore., and Vancouver, Wn.:

Postal Co., telegram, 20c.; car fare, Portland, 4 @ 5.20c.; Portland Ry. Co. fare Portland to Vancouver and return. 35c. Spent the day going from one address to another locating Wesley and Sarah Lindsay in re Alaska coal entries. At 4 p. m. lv. Portland, ar. Vancouver, Wn., 4.40 p. m.

Saturday, the 3d day of July, 1909, Vancouver, Wn.:

Ex. tract books at Vancouver, Wn., land office.

Sunday, the 4th day of July, 1909, Vancouver, Wn., Sunday.

Monday, the 5th day of July, 1909, Vancouver, Wn., & Portland, Ore.:

At Portland, bag. hotel to depot, 50c.; Pullman sleeper, Portland to Seattle, \$2.00. To N. P. Ry. T. R. 17413, Portland, Ore., to Seattle, Wn., fare, \$5.60. *Holiday.* Ar. Portland, 2 p. m.

Tuesday, the 6th day of July, 1909, Seattle, Wn.:

Fee to porter on sleeper, 25c.; baggage, depot to hotel at Seattle, 75c. (trunk and suit case). At 12 a. m. Lv. Portland N. P. Ry., ar. Seattle, 11 a. m. (train late). Worked in office on Alaska coal reports.

Wednesday, the 7th day of July, 1909, Seattle, Wn.:

Working in office on Alaska Coal reports.

Thursday, the 8th day of July, 1909, Seattle and Hoquiam, Wn.:

To N. P. Ry. T. R. 17414 ticket Seattle, Wn., to Hoquiam, Wn., and return fare, \$8.18. At 8 a. m. Lv. for Hoquiam, Wn. Ar. at Hoquiam 4.20 p. m. Secured affidavit of Horace Davenport in re Alaska Coal entries.

Friday, the 9th day of July, 1909, Hoquiam and Seattle, Wn.:

En route Hoquiam, Wn., to Seattle, Wn., at 8.10 a. m. Lv. Hoquiam. Ar. Seattle, Wn., 4 p. m.

Saturday, the 10 day of July, 1909, Seattle, Wn.:

Working in office on Alaska Coal reports.

Sunday, the 11th day of July, 1909, Seattle, Wn., Sunday.

Monday, the 12th day of July, 1909, Seattle, Wn.:

Working in office on Alaska Coal reports.

Tuesday, the 13th day of July, 1909, Seattle, Wn.:

Recd by mail affidavit of Horace Davenport re Alaska Coal. Working in office on Alaska Coal reports. Made report to chief on stock purchased by Mrs. Pavy.

Wednesday, the 14 day of July, 1909, Seattle, Wn.:

Working in the office on Alaska coal reports.

Thursday, the 15 day of July, 1909, Seattle, Wn.:

Working in the office on Alaska coal reports:

Friday, the 16 day of July, 1909, Seattle, Wn., and en route:

H. Imhoff, bagg. man, cartage on baggage, hotel to wharf, 75c., at Seattle, Wn. Working in office on Alaska coal reports. At 8 p. m. lv. Seattle, Wn., on steamer *Portland* for Alaska on transportation furnished by Agent Stoner.

Saturday, the 17 day of July, 1909, en route to Alaska, steamer *Portland*:

Fee to purser, 25c. On steamer *Portland* en route to Katalla, Alaska.

Sunday, the 18 day of July, 1909, on steamer *Portland*:

Fee to purser, 25c. On steamer *Portland* en route to Katalla, Alaska. Secured affidavit F. A. Morrow in re 6 Alaska coal entries.

Monday, the 19 day of July, 1909, on steamer *Portland*:

Fee to purser 25c. On steamer *Portland* en route to Katalla, Alaska.

Tuesday, the 20 day of July, 1909, on steamer *Portland*:

Fee to purser, 25c. On steamer *Portland* en route to Katalla, Alaska. Secured affidavit of J. F. Ballain in re Watson group, Alaska coal entries.

Wednesday, the 21 day of July, 1909, on steamer *Portland*:

Fee to purser, 25c. On steamer *Portland* en route to Katalla, Alaska.

Thursday, the 22 day of July, 1909, on steamer *Portland*:

Fee to purser, 25c. To T. J. Lawe, Katalla, vr. 1, lighterage for self, steamer to wharf at Katalla, \$2.00. On steamer *Portland* en route to Katalla, Alaska. Ar. at Katalla, Alaska, 3 p. m.

Friday, the 23 day of July, 1909, Katalla, Alaska:

Paid Torger Feed, of Katalla, Alaska, lighterage for baggage from steamer *Portland* to wharf, 65c. Securing outfit and conveyance at Katalla to get to coal fields.

1021 Saturday the 24 day of July, 1909, Katalla, Alaska, and coal fields:

At 3 a. m. lv. Katalla, Alaska, on launch of Wm. Crooker, ar. at coal fields at 6 p. m.

Sunday, the 25 day of July, 1909, Alaska coal fields, Green & Cunningham camp: Vr. 2 to Wm. Crooker for transportation of Stoner, myself, and camp outfit, Katalla to Stillwater, Green's coal camp, \$25.00. Ex. scrip entries 926 & 927, M. A. Green, and 928, Harry White. At 2 p. m. lv. Green's coal camp, ar. at Cunningham camp 6 p. m.

Monday, the 26 day of July, 1909, Cunningham coal camp:

Jas. McGrath, a guide, \$4.00, one day. Examined 13 coal croppings on Cunningham group, averaging 10 claims.

Tuesday, the 27 day of July, 1909, Cunningham coal camp, Alaska:

James McGrath, guide, \$4.00, one day. Examined 18 coal croppings on Cunningham coal group, avg. 12 claims ex.

Wednesday, the 28 day of July, 1909, Cunningham coal camp:

Jas. McGrath, guide, \$4.00, one day. Ex. 4 croppings on, and proposed tunnel site for the mining of the coal of Cunningham group.

Thursday, the 29 day of July, 1909, Cunningham coal camp, Alaska:

Jas. McGrath, guide, 1 day, \$4.00. Ex. 32 croppings on Cunningham group. Average, 7 claims examined.



Friday, the 30 day of July, 1909, Cunningham & Chezum coal camps, Alaska:  
 Jas. McGrath, guide, 1 day, \$4.00. Examined 12 coal croppings on Cunningham and Chezum groups. Average, 4 claims examined.  
 Saturday, the 31 day of July, 1909, Chezum & Cunningham coal camps, Alaska:  
 Jas. McGrath, guide, 1 day, \$4.00. Jas. McGrath, 2-3, services guide, July 26 to 31, inclusive, 6 days, at \$4.00 per day, \$24.00. Examined 16 coal croppings on Chezum and Hartline groups. Average claims ex., 7 Chezum, 7 on Hartline.

*Daily reports, August, 1909.*

[All signed "Andrew Kennedy, special agent."]

Sunday, the 1st day of August, 1909, Cunningham & Green coal camp, Alaska:  
 Peechuck (Indian), packer, 1 day, \$3.00, board to be paid in addition to this. Moving camp from Cunningham to Green's Stillwater camp.

Monday, the 2nd day of August, 1909, Green's & Hunt's coal camp, Alaska:  
 Peechuck (Indian packer), 1 day, \$3.00, board to be paid in addition to this. Ex. 9 coal claims in Hartline group. Secured affidavit of John W. Hartline in re Hartline group Alaska coal cases.

Tuesday, the 3d day of August, 1909, Hunt's and Green's Happy Hollow coal camps, Alaska:

Peechuck (packer), 1 day, \$3.00, board to be paid in addition. Paul Lucchini, guide, 1 day, \$— per day. Examined 12 coal claims on Hunt group of Alaska coal entries:

Wednesday, the 4 day of August, 1909, Green's Happy Hollow coal camp:  
 Peechuck (Indian packer), 1 day, \$3.00, board to be paid in addition. Walter Edkins, guide, 1 day, \$— per day. Ex. 20 coal claims of Green group Alaska coal entries.

Thursday, the 5 day of August, 1909, Green's Happy Hollow & Sheep Creek coal camp, Alaska:

Peechuck (Indian packer), 1 day, \$3.00, board to be paid in addition. Walter Edkins, guide, 1 day, at \$— per day. Ex. 26 coal claims on Green group Alaska coal cases.

Friday, the 6th day of August, 1909, Greens Sheep Creek Coal Camp, Alaska:  
 Peechuck (Indian packer) 1 day \$3, board to be paid in addition. Walter Edkins, guide, 1 day, at \$— per day. Located Greens Happy-hollow and Sheep Creek Coal Camps. Ex. 5 coal entries Green group, Alaska coal entries.

Saturday, the 7 day of August, 1909, Greens Sheep Creek Coal Camp, Alaska:  
 Peechuck (Indian packer), 1 day \$3, board to be paid in addition. Walter Edkins, guide, 1 day, at \$— per day. Examined 35 coal entries of Doughton group. Took affidavit of Walter Edkins on Doughton group.

Sunday, the 8 day of August, 1909, Greens Sheep Creek & Happy Hollow Coal Camp, Alaska:

Peechuck (Indian packer) 1 day \$3, board to be paid in addition. Walter Edkins, guide, 1 day \$— per day. Ex. 17 coal claims Green group. Ex. 14 coal claims Morrow group.

Monday, the 9 day of August, 1909, Happy Hollow and Hunts Coal Camp, Alaska:

Peechuck, Indian packer, 1 day \$3, board to be paid in addition. On Vr. 1. Paul Lucchini, guide, 1 day Aug. 3d, \$4.25. Ex. 10 coal claims of Willoughby group. Ex. 4 coal claims of Rathbone group.

1022 Tuesday, the 10 day of August, 1909, Hunts Coal Camp, Alaska:  
 Peechuck, Indian packer, 1 day, \$3, board to be paid in addition. Lake in Martin Glacier broke out, raised water in Canyon Creek several feet, floating trees, logs, and ice, making it impossible to cross it. The next work being at Stacey Camp on opposite side of creek.

Wednesday, the 11 day of August, 1909, Hunter & Clearwater Coal Camp, Alaska:

Peechuck, Indian packer, 1 day, \$3.00, board to be paid in addition. Lake in Martin Glacier broke out, raising water in Canyon Creek several feet, floating trees, logs, & ice, making it impossible to cross it. The next work being on Stracy group on opposite side of creek, borrowed a boat, got across river, and camped at Stillwater camp for night.

Thursday, the 12 day of August, 1909, Stillwater and Stracy Coal Camps:  
 Peechuck, Indian packer, 1 day, \$3.00, board to be paid in addition. En route from Stillwater Coal Camp to Stracy Coal Camp. Time consumed 6 hours. Ex. 6 coal claims on Christopher group, Alaska.

Friday, the 13 day of August, 1909, Carbon Camp of Stracy Group, Alaska:  
 Peechuck, Indian packer, 1 day, \$3.00, board to be paid in addition. G. F. McDonald, guide, 1 day, \$5.00. Examined 8 coal claims Smokeless Coal Co., McDonald's. Examined 6 coal claims, Rathburn, agent. Examined 10 coal claims, Geo. McLain or Willoughby, agt.

Saturday, the 14 day of August, 1909, Carbon camp of Stracy group, Alaska:

Peechuck, Indian packer, 1 day, \$3.00, board to be paid in addition. Geo. Priest, guide, 1 day, \$— Ex. 6 coal claims on Stracy group, Alaska coal entries. Land very brushy, difficult to get around.

Sunday, the 15 day of August, 1909, Carbon coal camp of Stracy group, Alaska:

Peechuck, Indian packer, 1 day, \$3.00, board to be paid in addition. Geo. Priest, guide, 1 day, \$— Ex. 7 coal claims, Stracy group, Alaska coal entries. Land very brushy, difficult to get around.

Monday, the 16 day of August, 1909, Carbon and Kushtuka Coal Camp, Stracy Group, Alaska:

Peechuck (Indian packer), 1 day, \$3, board to be paid in addition. Geo. N. Priest, guide, 1 day, \$— Ex. 6 coal claims, Stracy group, Alaska Coal entries. Land brushy; difficult to get around.

Tuesday, the 17 day of August, 1909, Kushtuka Camp, Stracy Group, Alaska:

Peechuck, Indian packer, 1 day, \$3, board to be paid in addition. Geo. N. Priest, guide, 1 day, \$— Ex. 6 coal claims Stracy group, Alaska coal entries. Land brushy; difficult to get around.

Wednesday, the 18 day of August, 1909, Stracy, Kushtuka, & Cunningham Coal Camp, Alaska:

Peechuck, Indian packer, 1 day, \$3, board to be paid in addition. Board paid by forest office. Reexamination of Cunningham Alaska coal group. Cooperation with Forest Supervisor W. A. Lavgell and Coal Expert Gabriel Wingate, of Forest Service.

Thursday, the 19 day of August, 1909, Cunningham Coal Camp, Alaska:

Peechuck, Indian packer, 1 day, \$3, board to be paid in addition. Indian board paid by forest officer. Reexamination of Cunningham Alaska coal group. Cooperating with Forest Supervisor W. A. Lavgell and Coal Expert Gabriel Wingate, of Forest Service.

Friday, the 20 day of August, 1909, Cunningham Coal Camp, Alaska:

Peechuck, Indian packer, 1 day, \$3, board to be paid in addition. Indian board paid by forest officer. Reexamination of Cunningham Alaska coal group. Cooperating with Forest Supervisor W. A. Lavgell and Coal Expert Gabriel Wingate, of Forest Service.

Saturday, the 21 day of August, 1909. Cunningham Camp & Carbon Coal Camp, Stracy group, Alaska:

Peechuck, Indian packer, 1 day, \$3, board to be paid in addition. Geo. N. Priest, guide, 1 day, \$— Ex. 7 coal entries in Stracy group, Alaska coal entries.

Sunday, the 22 day of August, 1909, Carbon Camp, Stracy & McDonald Coal Camp, Alaska:

Peechuck, Indian packer, 1 day, \$3, board to be paid in addition. Geo. N. Priest, guide, 1 day, \$— Ex. 6 coal entries in Stracy group, Alaska coal entries. Ex. 1 coal claim, Arthur Stracy, now P. Purdy.

Monday, the 23 day of August, 1909, McDonalds Coal Camp, Alaska:

Peechuck, Indian packer, 1 day, \$3, board to be paid in addition. L. A. Thurston, guide, 1 day, \$5.00, board included. Ex. 4 coal claims, McDonald group. Ex. 1 coal claim, L. A. Thurston. Ex. 1 coal claim, M. A. Arnold. Ex. 1 coal claim, Andrew N. Prather.

Tuesday, the 24 day of August, 1909, McDonald Coal Camp, Alaska:

1023 Peechuck, Indian packer, 1 day, \$3.00, board to be paid in addition. Gideon F. McDonald, guide, 1 day, \$5.00, board inc. Ex. 6 coal claims, McDonald group, Alaska coal entries.

Wednesday, the 25 day of August, 1909, McDonalds Coal Camp, Alaska:

Peechuck, Indian packer, 1 day, \$3.00, board to be paid in addition. G. F. McDonald, guide, 1 day, \$5.00, board inc. Ex. 7 coal claims, McDonald group, Alaska entries.

Thursday, the 26th day of August, 1909, McDonalds Coal Camp, Alaska:

Peechuck, packer, 1 day, \$3.00, board to be paid in addition. L. A. Thurston, guide, 1 day, \$5.00, board included. V. 2 Peechuck, packer, Aug. 1 to 26, inc., 26 @ \$3.00, \$78.00. Ex. 16 coal claims, Christopher group, Alaska Coal entries.

Friday, the 27 day of August, 1909, McDonalds Coal Camp, Alaska:

L. A. Thurston, guide, 1 day, \$5.00, board included. G. F. McDonald, packer, 1 day, \$5.00, board inc. Ex. 14 coal claims Christopher group, Alaska coal entries.

Saturday, the 28 day of August, 1909, McDonalds Coal Camp, Alaska:

G. F. McDonald, guide, 1 day, \$5.00, board included. Located 12 buildings and sawmill on McDonald group Seattle Coal claim Alaska Coal Entries. Ex. 3 coal claims Christopher group. Aft L. A. Thurston in re his coal entry.

Sunday, the 29 day of August, 1909, McDonalds Coal Camp, Alaska:

L. A. Thurston, guide, 1 day, \$5.00, board included. Ex. 12 coal claims Christopher Alaska group.

Monday, the 30 day of August, 1909, McDonalds Coal Camp, Alaska.

On Vr 3 paid L. A. Thurston Katalla Alaska guide Aug. 23, 26, 27, & 29, 4 days @ \$5.00 per day, \$20.00, board included. Ex. 7 coal claims Christopher group Alaska coal entries.

Tuesday, the 31 day of August, 1909, McDonalds Coal Camp, Alaska:

Vr 4 G. F. McDonald, guide & packer, August 13, 24, 25, 27 & 28, inc., 5 at \$5.00 per day, board included, \$25.00. Board for Indian packer, Aug. 23 & 26. 2 at \$1.50, \$3.00. Total, \$28.00. Vr 5 M. A. Green, for services of Walter Edkins as guide, Aug. 4, 5, 6, 7 & 8, 5 at \$5.00, \$25.00. Board for Indian packer Aug. 4, 5, 6, 7, 8, 9, 10 & 11, 8 days at \$1.50 per day, \$12.00; total, \$37.00. Services. Field work in this locality completed storm bound could not proceed to Katalla, next place of business.

*Daily reports, September, 1909.*

[All signed "Andrew Kennedy, special agent."]

Wednesday, the 1st day of September, 1909:

McDonald Camp, Chilkat, & Katalla, Alaska. Vr. 1, G. F. McDonald, Katalla, Alaska, transportation from Coal Camp via Chilkat to Katalla, Ala. Him returning. Beg. 8 a. m., Sept. 1st, trip requiring 3 days. The trip, \$20.00. Phone charges at Katalla on telegram from Mr. Glavis, chief, 25c. Phone charge on telegram from Mr. Sheridan, in charge, 25c. paid at Katalla. En route from Coal Camp via Chilkat to Katalla, Alaska.

Thursday, the 2d day of September, 1909, Katalla, Alaska:

Paid at the Katalla phone charges on telegram from Mr. Glavis, 25c. At Katalla to Mr. Gray, wharfage on baggage, 50c. Secured affidavit of O. L. Willoughby, W. N. Letcher, and statement L. A. Thurston in re Alaska coal entries. At Katalla, Alaska, waiting for ship transportation to Seattle, Wn.

Friday, the 3d day of September, 1909, Katalla, Alaska:

United Wireless Tel. Co., telegram to Glavis, Seattle, 10 words, \$1.00; phone charges Katalla, 25c.; total, \$1.25. Same Co., telegram S. N. Stoner, Juneau, Alaska, 13 words, \$1.07; phone charges at Katalla, 25c.; total, \$1.32; both paid at Katalla, Alaska. At Katalla, Alaska, waiting for ship transportation to Seattle, Wn.

Saturday, the 4th day of September, 1909, Katalla, Alaska:

At Katalla, waiting for ship transportation to Seattle, Wn.

Sunday, the 5th day of September, 1909, Katalla, Alaska:

At Katalla, Alaska, waiting for ship transportation to Seattle, Wn.

Monday, the 6 day of September, 1909, Katalla, Alaska:

United Wireless Tel. Co. at Katalla, Ala., telegram, 38 words, 2.96; 'phone charges at Katalla, 25c.; total, \$3.21. At Katalla, Alaska, waiting for ship transportation to Seattle, Wn.

Tuesday, the 7 day of September, 1909, Katalla, Alaska, and en route to Cordova:

Vr. 2 Chas. Auer, Katalla, Ala. Lighterage wharf to steamship *Santa Clara*, \$2.00; fee to purser on ship, 25c.; to Alaska Steamship Co. T. R. 17415 ticket Katalla to Cordova, Ala., \$8.00. En route steamship *Santa Clara* Katalla to Cordova, Ala.

Wednesday, the 8 day of September, 1909, Cordova, Ala.:

1024 Buss fare for self and suit case, wharf to hotel, 50c. Ar. Cordova 7 a. m. Waiting for boat en route to Seattle, Wn.

Thursday, the 9th day of September, 1909, Cordova and mile 50. Alaska:

T. R. 17416 to Alaska Coast Co. for ticket Cordova, Ala., to Seattle, Wn., \$45.00. T. R. 17417 to Katalla Ry. Co. ticket Cordova to Miles Glacier and return, \$10.00. Meals included in steamship ticket; no extra charge. Secured affidavit of Archie W. Shiels. Intv. Harry Hawkins in re Alaska coal entries. At 9 a. m. lv. Cordova; ar. returning at 7 p. m.

Friday, the 10th day of September, 1909, Cordova, Ala.:

Waiting for boat en route to Seattle, Wn.

Saturday, the 11 day of September, 1909, Cordova, Ala.:

Waiting for boat en route to Seattle, Wn.

Sunday, the 12 day of September, 1909, Cordova, Ala.:

Waiting for boat en route to Seattle, Wn.

Monday, the 13 day of September, 1909, Cordova, Ala.:

Waiting for boat en route to Seattle, Wn.

Tuesday, the 14 day of September, 1909, Cordova, Ala., and en route:

Alaska Transfer Co., baggage hotel to wharf at Cordova, Ala., 50c. At 7 p. m. leave Cordova, Ala., steamship *Santa Clara*, for Seattle, Wn.

Wednesday, the 15 day of September, 1909, on steamship en route to Seattle, Wn.

Fee to purser assistant, 25c. En route to Seattle, Wn., on steamship *Santa Clara*.

Thursday, the 16 day of September, 1909, en route to Seattle, Wn.:  
 Fee to purser assistant, 25c. En route to Seattle on steamship Santa Clara.  
 Friday, the 17 day of September, 1909, en route to Seattle, Wn.:  
 Fee to purser assistant, 25c. En route to Seattle, Wn., on steamship Santa Clara.  
 Saturday, the 18 day of September, 1909, en route to Seattle:  
 Fee to purser's assistant, 25c. En route to Seattle, Wn., on steamship Santa Clara.  
 Sunday, the 19 day of September, 1909, en route to Seattle, Wn.:  
 Fee to purser's assistant, 25c. En route to Seattle, Wn., on steamship Santa Clara.  
 Monday, the 20 day of September, 1909, en route to Seattle, Wn.:  
 Fee to purser's assistant, 25c. En route to Seattle, Wn., on steamship Santa Clara.  
 Tuesday, the 21 day of September, 1909, en route to Seattle, Wn.:  
 Fee to purser's assistant, 25c. En route to Seattle, Wn., on steamship Santa Clara.  
 Wednesday, the 22 day of September, 1909, en route to Seattle, Wash.:  
 Buss from wharf to hotel, 25c. En route to Seattle on steamship Santa Clara.  
 Arrived in Seattle, Wn., 11 p. m.  
 Thursday, the 23 day of September, 1909, Seattle, Wash.:  
 Making July and August monthly account and consulting on maps with Agent Stoner.  
 Friday, the 24 day of September, 1909, Seattle, Wash.:  
 Vr. 2 to City Messenger & Del. Co., Seattle, Wn., Ctg. on baggage wharf to office & hotel, \$1.50; storage at wharf paid by Bag. Co., 75c.; total, \$2.25. Working on maps of Alaska coal entries with Agent Stoner.  
 Saturday, the 25 day of September, 1909, Seattle, Wn.:  
 Working on maps and reports of Alaska coal entries.  
 Sunday, the 26 day of September, 1909, Seattle, Wn.  
 Monday, the 27 day of September, 1909, Seattle, Wash.:  
 Working on Alaska coal reports.  
 Tuesday, the 28 day of September, 1909, Seattle, Wash.:  
 Working on Alaska coal reports.  
 Wednesday, the 29 day of September, 1909, Seattle, Wash.:  
 Working on Alaska coal reports.  
 Thursday, the 30 day of September, 1909, Seattle, Wash.:  
 Working on Alaska coal reports.

*Daily reports, October, 1909.*

[All signed "Andrew Kennedy, special agent."]

Friday, the 1st day of October, 1909, Seattle, Wash.:  
 Working on reports of Alaska coal entries.  
 Saturday, the 2d day of October, 1909:  
 On leave absence with pay.  
 Sunday, the 3d day of October, 1909, Seattle, Wash.:  
 On leave with pay. Sunday.  
 1025 Monday, the 4th day of October, 1909, Seattle, Wn.:  
 Returned to duty at 9 a. m., after leave of absence. Working on reports of Alaska coal entries.  
 Tuesday, the 5th day of October, 1909, Seattle, Wash.:  
 Working on reports of Cunningham Alaska coal entries.  
 Wednesday, the 6th day of October, 1909, Seattle, Wn.  
 Working on reports of Cunningham Alaska coal entries.  
 Thursday, the 7th day of October, 1909, Seattle, Wn.:  
 Working on reports of Cunningham Alaska coal entries.  
 Friday, the 8 day of October, 1909, Seattle, Wn.:  
 Working on reports of Cunningham Alaska coal entries.  
 Saturday, the 9 day of October, 1909, Seattle, Wn.:  
 Working on reports of Cunningham Alaska coal entries.  
 Sunday, the 10 day of October, 1909, Seattle, Wn.:  
 Sunday.  
 Monday, the 11 day of October, 1909, Seattle, Wn.:  
 Working on reports of Cunningham Alaska coal entries.  
 Tuesday, the 12 day of October, 1909:  
 Working on reports of Cunningham Alaska coal entries.  
 Wednesday, the 13 day of October, 1909, Seattle, Wn.:  
 Working on reports Cunningham Alaska coal entries.  
 Thursday, the 14th day of October, 1909, Seattle, Wn.:  
 Completed report of Cunningham Alaska coal entries (33 entries).

Friday, the 15 day of October, 1909, Seattle, Wn.:  
Working on report of Hunt group Alaska coal entries.  
Saturday, the 16 day of October, 1909, Seattle, Wn.:  
Working on report of Hunt group Alaska coal entries.  
Sunday, the 17 day of October, 1909, Seattle, Wn.:  
Sunday.  
Monday, the 18 day of October, 1909, Seattle, Wn.:  
Working on report of Hunt group Alaska coal entries.  
Tuesday, the 19 day of October, 1909, Seattle, Wn.:  
Working on report of Hunt group Alaska coal entries.  
Wednesday, the 20 day of October, 1909, Seattle, Wn.:  
Registering letter to S. J. Colter, Duluth, Minn., 8c. Working on report of Hunt group, Alaska coal entries.  
Thursday, the 21 day of October, 1909, Seattle, Wn.:  
Working on report of Hunt group, Alaska coal entries.  
Friday, the 22 day of October, 1909, Seattle, Wn.:  
Working on report of Hunt group, Alaska coal entries. Wrote letter to Hon. Commissioner.  
Saturday, the 23 day of October, 1909, Seattle, Wn.:  
Completed report of field examination of twelve entries of Alaska Petroleum & Coal Co., A. B. Hunt, agent.  
Sunday, the 24 day of October, 1909, Seattle, Wn.:  
Sunday.  
Monday, the 25 day of October, 1909, Seattle, Wn.:  
Working on reports Controller Bay Coal Co., Alaska coal entries.  
Tuesday, the 26 day of October, 1909, Seattle, Wn.:  
Three street-car fares, at 5c. each, 15c., at Seattle, Wn. Ex. charter or incorporation records at King County court-house, and investigating Controller Bay Coal Co. case in re Alaska coal entries.  
Wednesday, the 27 day of October, 1909, Seattle, Wn.:  
Working on report of Controller Bay Coal Co., Alaska coal entries.  
Thursday, the 28th day of October, 1909, Seattle, Wn.:  
Introduced to Agent Metseger, Jesse Fry, and Geo. A. Leekley, who gave information as to fraud in re Controller Bay and Smokeless Coal Co. entries in Alaska. Working on report of Controller Bay Coal Co., Alaska coal entries.  
Friday, the 29 day of October, 1909, Seattle, Wn.:  
Working on reports of Controller Bay Coal Co., Alaska coal entries.  
Saturday, the 30 day of October, 1909, Seattle, Wn.:  
Completed reports of field examination of three entries of Controller Bay Coal Company, Alaska coal entries.  
Sunday, the 31 day of October, 1909, Seattle, Wn.:  
Sunday.

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*Daily reports, November, 1909.*

[All signed "Andrew Kennedy, special agent."]

Monday, the 1st day of November, 1909, Seattle, Wn.:  
Working on report of Bering River, Alaska, Coal Company, Alaska coal entries.  
M. A. Green, agent. Wrote letter to Agent Sheridan on Warddeil Alaska coal entries.  
Tuesday, the 2nd day of November, 1909, Seattle, Wn.:  
Working on reports of Bering River, Alaska, Coal Company, Alaska coal entries.  
M. A. Green, agent.  
Wednesday, the 3 day of November, 1909, Seattle, Wn.:  
Working on reports Bering River, Alaska, Coal Company, Alaska coal entries. M. A. Green, agent.  
Thursday, the 4 day of November, 1909, Seattle, Wn.:  
Working on reports Bering River, Alaska, Coal Company, Alaska coal entries.  
M. A. Green, agent. Intv. M. A. Green in re coal crops on above entries.  
Friday, the 5 day of November, 1909, Seattle, Wn.:  
Completed report of field examination on six Alaska coal entries of Bering River, Alaska, Coal Company.  
Saturday, the 6th day of November, 1909, Seattle, Wn.:  
Working on report of field examination of English Company, Alaska coal entries.  
Arthur Stracy, former agent.  
Sunday, the 7 day of November, 1909, Seattle, Wn.:  
Sunday.

Monday, the 8th day of November, 1909, Seattle, Wn.:  
 Working on report of field examination of English company, Alaska coal entries,  
 Arthur Stracy, former agent.

Tuesday, the 9 day of November, 1909, Seattle, Wn.:  
 Working on report of field examination of English company, Alaska coal entries,  
 Arthur Stracy, former agent.

Wednesday, the 10 day of November, 1909, Seattle, Wn.:  
 Working on report of field examination of English company, Alaska coal entries,  
 Arthur Stracy, former agent.

Thursday, the 11th day of November, 1909, Seattle, Wn.:  
 Making detail report on Cunningham coal entries for Mr. Sheridan.

Friday, the 12 day of November, 1909, Seattle, Wn.:  
 Completed reports of field examination of 40 entries of English company group,  
 Alaska coal entries, Arthur Stracy, former agent.

Saturday, the 13 day of November, 1909, Seattle, Wn.:  
 Working on reports of Smokeless Coal Co. (Feed group), Alaska coal entries, T. P.  
 McDonald, agent. Worked up to noon of this day.

Sunday, the 14 day of November, 1909, Seattle, Wn., Sunday.

Monday, the 15 day of November, 1909, Seattle, Wn.:  
 Working on reports of Smokeless Coal Company (Feed group), Alaska coal entries,  
 T. P. McDonald, agent.

Tuesday, the 16 day of November, 1909, Seattle, Wn.:  
 Completed report of field examination of 8 Smokeless Coal Company Alaska coal  
 entries (Feed group), T. P. McDonald, agent.

Wednesday, the 17 day of November, 1909, Seattle, Wn.:  
 Reviewing notes and reports in re Cunningham coal case, with view of giving testi-  
 mony on same.

Thursday, the 18 day of November, 1909, Seattle, Wn.:  
 Attended hearing in case U. S. vs. Cunningham.

Friday, the 19 day of November, 1909, Seattle, Wn.:  
 Gave testimony in hearing of U. S. vs. Cunningham Alaska coal cases.

Saturday, the 20 day of November, 1909, Seattle, Wn.:  
 Gave testimony in hearing of U. S. vs. Cunningham Alaska coal cases.

Sunday, the 21 day of November, 1909, Seattle, Wn.:  
 Reviewing testimony given at hearing of U. S. vs. Cunningham & others; time con-  
 sumed, 7 hours.

Monday, the 22 day of November, 1909, Seattle, Wn.:  
 Gave testimony in hearing of U. S. vs. Cunningham Alaska coal cases.

Tuesday, the 23 day of November, 1909, Seattle, Wn.:  
 Attended hearing of U. S. vs. Cunningham Alaska coal entries.

Wednesday, the 24 day of November, 1909, Seattle, Wn.:  
 Attended hearing of U. S. vs. Cunningham Alaska coal entries.

Thursday, the 25 day of November, 1909, Seattle, Wn., holiday.

1027 Friday, the 26 day of November, 1909, Seattle, Wn.:  
 Attended hearing U. S. vs. Cunningham Alaska coal entries.

Saturday, the 27 day of November, 1909, Seattle, Wn.:  
 Attended hearing in U. S. vs. Cunningham Alaska coal entries.

Sunday, the 28 day of November, 1909, Seattle, Wn., Sunday.

Monday, the 29 day of November, 1909, Seattle, Wn.:  
 Working on reports of field examination of Chezum group Alaska coal entries.

Tuesday, the 30 day of November, 1909, Seattle, Wn.:  
 Working on reports of field examination of Chezum group of Alaska coal entries.

*Daily reports, December, 1909.*

[All signed "Andrew Kennedy, special agent."]

Wednesday, the 1st day of December, 1909, Seattle, Wn.:  
 Completed report of field examination of Chezum group eleven (11) Alaska coal  
 entries.

Thursday, the 2 day of December, 1909, Seattle, Wn.:  
 Working on report of field examination Hartline group of Alaska coal entries, John  
 W. Hartline, agent.

Friday, the 3 day of December, 1909, Seattle, Wash.:  
 Working on report of field examination of Hartline group Alaska coal entries, Jno.  
 W. Hartline, agent.

Saturday, the 4 day of December, 1909, Seattle, Wn.:  
 Completed report of field examination of the Hartline group of (16) entries of Alaska coal entries, John W. Hartline, agent.

Sunday, the 5 day of December, 1909, Seattle, Wn.: Sunday.

Monday, the 6 day of December, 1909:  
 On leave of absence.

Tuesday, the 7 day of December, 1909:  
 On leave with pay.

Wednesday, the 8 day of December, 1909:  
 On leave with pay.

Thursday, the 9 day of December, 1909:  
 On leave with pay.

Friday, the 10 day of December, 1909:  
 On leave with pay.

Saturday, the 11 day of December, 1909, Seattle, Wash.:  
 Reported for duty at 9 a. m. Working on reports of field examination of Green group, Alaska coal entries.

Sunday, the 12 day of December, 1909, Seattle, Wn.:  
 Sunday.

Monday, the 13 day of December, 1909, Seattle, Wn.:  
 Working on reports of field examination of Green group, Alaska coal entries.

Tuesday, the 14 day of December, 1909, Seattle, Wn.:  
 Working on reports of field examination of Green group, Alaska coal entries.

Wednesday, the 15 day of December, 1909, Seattle, Wash.:  
 On leave, with pay.

Thursday, the 16 day of December, 1909, Seattle, Wn.:  
 Reported for duty at 9 a. m. Working on report of field examination Green group, Alaska coal entries.

Saturday, the 18 day of December, 1909, Seattle, Wn.:  
 Completed reports of field examination of (16) Portland-Alaska Anthracite Coal Co., Alaska coal entries; (15) Seattle Alaska Anthracite Coal Co., Alaska coal entries; (9) Alaska Anthracite Coal Co., Alaska coal entries; (15) Alaska Smokeless Anthracite Coal Co., Alaska coal entries; (21) individual Alaska coal entries. M. A. Green, agent.

Friday, the 17 day of December, 1909, Seattle, Wn.:  
 Working on reports of field examination Green group Alaska coal entries.

Sunday, the 19 day of December, 1909, Seattle, Wn.:  
 Sunday.

Monday, the 20 day of December, 1909, Seattle, Wn.:  
 Working on report of Doughton group Alaska coal entries, D. A. McKenzie, agent.

Tuesday, the 21 day of December, 1909, Seattle, Wn.:  
 Working on report of field examination of Doughton group Alaska coal entries, D. A. McKenzie, agent.

Wednesday, the 22 day of December, 1909, Seattle, Wn.:  
 Working on reports of field examination of Doughton group Alaska coal entries, D. A. McKenzie, agent.

1028 Thursday, the 23 day of December, 1909, Seattle, Wn.:  
 Completed report of field examination of Doughton group (30) Alaska coal entries, D. A. McKenzie, agent.

Friday, the 24 day of December, 1909, Seattle, Wn.:  
 Working on reports of field examination of Morrow group, Alaska coal entries, Al. Morrow, agent.

Saturday, the 25 day of December, 1909, Seattle, Wn.:  
 Holiday.

Sunday, the 26 day of December, 1909, Seattle, Wn.:  
 Sunday.

Monday, the 27 day of December, 1909, Seattle, Wn.:  
 Working on report of field examination, Morrow group, Alaska coal entries, Al. Morrow, agent.

Tuesday, the 28 day of December, 1909, Seattle, Wn.:  
 Working on reports of field examination, Morrow group, Alaska coal entries, Al. Morrow, agent.

Wednesday, the 29 day of December, 1909, Seattle, Wn.:  
 Completed reports of field Ex. of (10) Morrow group, Alaska coal entries, Al. Morrow, agent.

816 DAILY REPORTS, H. K. LOVE JULY 22, 1907, TO AUGUST 31, 1907; ALSO FOR OCTOBER 29 AND NOVEMBER 12, 1907.

July 22:

With Spl. Agt. Jones, conferred with the honorable Commissioner, G. L. O., on subject of coal-land locations in Alaska, and general conditions.

By verbal order of the honorable Commissioner, instructed to remain for present in Seattle to assist Spl. Agt. Jones.

July 23:

Assisting Spl. Agt. Jones, G. L. O., in securing addresses of coal-land applicants, Alaska.

July 24:

As above, 23d inst.

Further conference with the honorable Commissioner. Letter to G. L. O., Iuke, coal entry, Ignatius Mullen.

July 25:

Securing addresses as above.

July 26:

Securing addresses as above.

Search for one S. R. Blonger, coal claimant, and for men employed by G. N. Ry. Co., said to be locators of coal in Matanuska Valley, Alaska--Watson group.

Street-car fare to 1303 Western ave. & return.

July 27:

Further conference with the honorable Commissioner, G. L. O.

Interviewed J. R. Young, Seattle, coal locator, Katalla, and secured his sworn statement regarding his lease to T. P. McDonald, and status of coal-land claimants for whom he is agent.

Interviewed Chas. E. Shepard, of Shepard & Flett, attys., Seattle, attorney for T. P. McDonald, lessee of J. R. Young, coal claimant.

July 28 (Sunday).

July 29:

Interviewed W. V. Rinehart, Seattle, secy. of the Alaska Anthracite Coal Co. and locator of a coal claim, Katalla, Alaska, on status of company and of his claim.

Seeking Harry White, Los Angeles, Calif., transient in Seattle, and locator of coal lands in Alaska, to inquire into methods pursued.

By direction of the honorable Commissioner G. L. O., taking over Seattle end of investigation of coal matters from Spl. Agt. Jones.

July 30:

Called at office Watson Allen, Seattle, to interview him on subject of relations with Anglo-American Oil & Coal Co. and its coal interests at Katalla. Allen being absent, sick, interviewed his secretary and was referred to Geo. H. Hill, secy. Guarantee & Trust Co., Portland, Ore.

Interviewed Harry White, coal-land locator, Alaska, and organizer of Alaska Anthracite Coal Co., and secured his sworn statement regarding company and his coal interests in Alaska.

July 31:

Interviewed M. A. Green, agent for some seventy coal-land claimants, Katalla, and secured correct addresses of all such, and other information.

Called at business address of R. S. Cox, jr., of Haller & Cox; referred to residence, he being sick. Called at office address of Walter S. Fulton, attorney coal claimant, Munday group; Fulton absent.

Called at residence per directory, 1008 Washington street, of J. D. Gardner (Munday group), coal claimant; found he had moved to West Seattle; address unknown.

Street-car fare to 1008 Washington street and return, \$0.10.

I hereby certify on honor to the correctness of foregoing statement.

H. K. LOVE,

*Special Agent, General Land Office.*

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*Daily record of work and expenses, August, 1907.*

August 1, at Seattle, Wash.:

Interview with Clarence Cunningham, agent for 32 coal-land entrymen, Katalla, Alaska, and secured verbal statement of recent action taken by those of entry toward organizing a company to take over entered lands.

Letter to R. & R., Juneau, Alaska, reporting substance of above interview and inclosing supplemental affidavits in re coal-land applications for patent: Warner, Neill, Burbidge, Baker, and Moore.



Letter to W. H. Hurlburt, care of Morris Bros., Portland, Oreg., coal-land claimant, Katalla (Green group); reply to letter, May 27, in re coal entry.

Called at directory address of Lillian Dinius, coal claimant, Katalla (Christopher group), 1717 Belmont ave.; found she had moved to uncertain address.

Street-car fare to Belmont ave. and return, \$0.10.

August 2:

Letter to H. T. Jones, Spl. Agt., G. L. O., 114 E. 3rd St. N., Portland, Oreg., with address of Geo. H. Hill, Portland, representative, Anglo-American Oil and Coal Co., operating in Kyak district, Alaska; suggesting interview.

Called at office of Scott Calhoun, coal claimant, Katalla (Munday group); absent.

Letter to G. L. O., reporting recent action toward formation of coal company taken by entrymen of Cunningham group.

Copy of daily record of work and expenses for July to accompany account for that month.

August 3:

Called on Oldham Gates, Peerless saloon, No. 218 Fourth ave., and arranged for interview any day after 3.00 p. m.

Called at residence of R. S. Cox, jr., coal-land claimant, Katalla (Munday group), and interviewed him; residence 1016 Boylston ave.

Called at office of Scott Calhoun, above; absent.

Copy of daily record of work and expenses for June, 1907, to accompany account for that month.

August 4 (Sunday).

August 5:

Interviewed F. C. Harper, Port Townsend, coal claimant, Katalla (Green group), and secured sworn statement.

Letter to H. T. Jones, Spl. Agt., G. L. O., Portland, Oreg., including list of Portland members of group of M. A. Green, coal-land locators, Katalla, with addresses.

Interviewed Walter S. Fulton, Mutual Life, coal-claimant, Munday group, and secured verbal statement.

Interviewed Scott Calhoun, coal claimant, Munday group, and secured verbal statement.

Interviewed Charles F. Munday, agent for twenty-seven coal claimants, Kyak Recording District, Katalla, and secured incomplete statement.

August 6:

Letter to G. L. O., explaining items in July account.

With J. A. Gould, representative of the Hon. Secy. Interior, called on Oldham Gates, Peerless saloon, 4<sup>th</sup> ave., of record as coal claimant, Katalla (Simmonds group), and secured verbal statement disclaiming having ever located coal land in Alaska.

Conference with J. A. Gould, representative as above, on conditions and methods of official work in Alaska.

Conference with H. T. Jones, Spl. Agt., G. L. O., returned from Portland.

Interview with M. A. Green on subject of proof on coal claim by an administratrix.

To 721 Sixty-first st. to interview Albin Bredenberg, coal claimant, Katalla (Freed group); found he had gone to Alaska.

Monthly account for June, 1907:

To street-car fare, 61 st. and return, \$.10.

August 7:

Called on Fredck. Felitz, 121 $\frac{1}{2}$  Yesler Way, and arranged for meeting at 4 p. m., 8 inst., with himself, brother, and son-in-law, Andrew W. Lyden, coal claimants, Katalla (Freed group).

Called at office of A. C. Fry, 606 Western ave.; not in.

Called at 1604 A. Terry ave. to interview Harry D. Weeks; found that he was absent at Katalla, Alaska.

Called at 525 Twenty-first ave. to interview Jos. E. Fredland; was referred to Star-Boyd Bld. # 69; called there to find that Fredland of that number, brother to Jno. E. of 21 ave., knew nothing of Joseph E. of record as coal claimant, Katalla (Simmonds group).

818 Again called at 606 Western ave. to interview A. C. Fry, coal claimant, Katalla, Munday group; did not see him.

Called on Wm. Gottstein, 119 Yesler Way, coal-claimant (Munday group), interviewed him; declined to sign statement of substance of interview.

Called at 408 Fourth ave. to interview John Hughes (Anglo-American group coal-claims, Katalla); Hughes absent.

Called at 1826 Boren ave. to interview Addie E. White, coal-claimant, Katalla, David H. White, agent; not at home.

## Street car fares:

1604 Ferry ave. and return.....	\$0. 10
21 ave. and return.....	. 10
408 Fourth ave. and return.....	. 10
1826 Bonen ave. and return.....	. 10

August 8:

Called at 1214 Yesler Way and interviewed Fredck. Felitz, William Felitz, and Andrew N. Lydun, coal-claimants, Katalla, W. N. Litchen group, and secured their sworn statements.

Interviewed Wm. Devere and George Hartig at 114 Pike st., after visiting residence of Devere, 11 West Republican st., coal-claimants, Katalla (Christopher group); both disclaimed any such holding, but declined to sign statement.

In company of Spl. Agt. Jones, G. L. O., and C. F. Munday, interview with the Honorable Commissioner, G. L. O.

Street-car fare, 11 West Republican and return, \$.10.

August 9:

In office of Alaska Petroleum and Coal Company, 731 N. Y. Bk., interviewing Clark Davis, V.-Pt. & Genl. Mgr., and H. R. Harriman, Secy., and securing latter's sworn statement in writing; not fully completed.

Interview with A. W. Tibbitt, Valdez, Alaska, and secured sworn statement in detail of expenditures in Chilty, Queen, and Fourth of July mineral claims, Valdez recording district.

August 10:

Completing statement in re Alaska Petroleum and Coal Company.

Securing completed type-written statement in re Munday, agent.

Drawing up substance of interviews with Scott Calhoun, Walter S. Fulton, and R. S. Cox, jr., coal-claimants, Katalla, Munday group; and of same with Oldham Gates, of record as coal-claimant (Simmonds group).

Assistance in report on coal-matters in Alaska, by H. T. Jones, Spl. Agt., G. L. O., of same date.

August 11 (Sunday):

By direction, interview with the honorable Commissioner, G. L. O.; verbal authority to remain temporarily in Seattle "as long as necessary."

August 12:

Letter G. L. O., transmitting June, 1907, account, and explaining employment of guide.

Letter to G. L. O., requesting that a roll-top desk and typewriter table be furnished for Juneau office, quoting some Seattle prices.

Letter to R. & R., U. S. land office, Juneau, inclosing sworn statement A. W. Tibbitt, Iuka, Chitty, Queen, and Fourth of July mineral applications, and withdrawing objections to entry.

Accounts for June and July, 1907, mailed G. L. O.

Interviewed D. A. McKinzie, Seattle, prospective coal-land purchaser, Katalla, urging necessity that original locations be bona-fide.

Called at 731 N. Y. Bldg. for promised affidavit of John Schram and T. S. Lippy and O. E. Sauter, coal claimants, Katalla, Hunt group (Alaska Petroleum and Coal Co.); not yet prepared.

August 13:

Interview with C. H. Doughten, agent for some 37 coal-land claimants, Katalla; discussed methods followed and made appointment for 14<sup>th</sup> inst. to complete a statement.

Called at 307 Second ave., searching for Jas. W. Dunlap, coal-land claimant, Katalla (Simmonds group); advised by restaurant proprietor that he formerly cooked for him, but not for several months; present address unknown.

Called at 323 Second ave., searching for Ed. Cosgrove (saloon keeper), coal-land claimant, Katalla (Simmonds group); found he was out of city, camping.

Search for 1518 1/2 First ave., to interview Wm. J. Walsh, coal claimant, Katalla (Simmonds group), without finding Walsh.

819 Street-car fare to 1518 1/2 1st ave. and return, \$.10.

Wednesday, August 14:

Interviewed C. H. Doughten, agent for 39 coal claimants, Katalla, and secured his sworn statement regarding methods followed.

Copy of statement for files.

August 15:

To 1717 Belmont ave., searching for present address of Lillian Dinius, coal-land claimant, Katalla (Christopher group); inquiries in the neighborhood without results.

To 1604A Terry ave., to interview Cecil Weeks, coal-land claimant, Katalla (Christopher); absent.

To 610 James st., to interview F. B. Kroeger, coal claimant, Katalla (Simmonds); directed to 622 Fifth ave.; there informed by father-in-law that Kroeger (bartender by occupation) was now at 212 N. Grand ave., Los Angeles, Calif.

Secured affidavit of T. S. Lippy and John Schram, coal claimants, Katalla, Hunt group, Alaska Petroleum and Coal Co., concerning the bona fides of their locations.

Copies of above affidavits for files.

Street-car fare:

Belmont ave. & ret. ....	\$ .10
Terry ave. & ret. ....	. 10
610 James st. ....	. 05

August 16:

To 218 Fourth ave. S., and interviewed Geo. F. Smith, coal claimant (Simmonds), saloon keeper; claimed to own coal land with one M. C. Sweeney, who knew details; would try to find Sweeney.

To 722 Washington st., to interview Jas. N. Tearney (bartender), local claimant, Katalla (Simmonds); wife & Tearney absent.

To 536 Pioneer Blk.; interviewed L. W. Penney; said about two years ago he gave M. C. Sweeney power-of-attorney to locate coal in Alaska, without cost to himself; that Sweeney said he would make it right with him; referred to Sweeney for details; to be found at Singer's saloon.

At saloon found H. A. Platt, coal claimant (Simmonds), and made appointment to meet Sweeney at U. S. land office 10.00 a. m. Saturday, 17 inst.

Street-car fare, 722 Washington st. & ret., \$.10.

August 17:

To 609 Tenth ave., to interview Helen G. Morrill, coal claimant, Katalla (Christopher); no one at home.

Interviewed Ignatius Mullen, coal claimant, Katalla (Cunningham), and secured his sworn statement concerning bona fides of entry.

At U. S. land office, 9.30 to 11.00 a. m., to meet M. C. Sweeney, who failed to keep engagement.

To 731 N. Y. Bldg to secure affidavit of O. E. Sauter, coal claimant, Katalla, Hunt group; without success.

Was interviewed by one Seaborg regarding homestead and other laws affecting Alaska public lands.

Street-car fare to Tenth ave. and return, \$.10.

August 18 (Sunday).

August 19:

Report to Hon. Commissioner G. L. O. in re: Protest by A. S. Bailey against issuance of patent to Clark Davis, applicant under Sol. Add. Homestead, U. S. Survey No. 147; directed by Letter "P," 1907, 82850, L. E. E., June 6, 1907.

Called at 731 N. Y. Blk. and secured affidavit of O. E. Sauter, Re, bona fides of his coal filing at Katalla.

Called at 609 Tenth Ave. to interview Helen G. Morrill, coal claimant (Chenlaptur); absent at Lake Chelan on vacation.

Called at 612 Belmont Ave. to interview H. F. Gibson, coal claimant (Simmonds); Gibson stated had given power of attorney to M. C. Sweeney, who could tell all about it. Agreed to learn details from Sweeney.

Street-car fare:

Tenth Ave. ....	\$0. 05
Belmont Ave. ....	. 05

August 20:

Letter to A. W. Barnum, Katalla, Alaska, reply to letter of June 19, 1907, on subject of scrip.

Called at 518 Pike St. to interview B. S. Brown, coal-land claimant (Simmonds); referred to the Empire Blk.; called there, not finding him.

820 Letter to Frank Watson, Seward, Alaska, agent for coal-land claimants, Metanuska Valley, Re, his letter of July 13, 1907, urging bona-fides.

Endeavor to find M. C. Sweeney at Singer saloon, &c., without success.

Street-car fare to 518 Pike and return, \$.10.

August 21:

Called at office B. S. Brown, Empire Blk., to interview him regarding his Alaska coal claim; not in.

Report in timber trespass; James E. Sayles, Ketchikan, June-August, 1906, for 1,400 linear feet piling; copy of report and of proposition to settle for piles.

Report in above, with proposition and c/c 7.00 to G. L. O.

Report in timber trespass: Cleary Creek Lumber Company, Cleary City, Alaska, 1906, for 500,000 feet b. m.; copy of report and of proposition to settle for files.

Report in above with proposition and c/c 100.00 mailed G. L. O.

August 22:

Letter to H. T. Jones, Spl. Agt., G. L. O., inclosing affidavits of T. S. Lippy, John Schram and O. E. Sauter, coal claimants (Hunt Group), and sworn statement of C. H. Doughten, agent for 39 coal-land claimants, Katalla, for transmittal to G. L. O., with supplemental report.

Called on J. E. Chilberg, Pt. Tanana Electric Co., Fairbanks, Alaska, to secure balance of \$42.60 due for public timber used by plant, Sept. 15 to Dec. 8, 1906; referred to treasurer, Fairbanks.

Copy of affidavits of T. S. Lippy, John Schram, and O. E. Sauter, above, for files.

August 23:

Report in timber trespass: Ellamar Mining Company of Alaska, 1906; copy of report and of conditional proposition for files.

Report above with proposition to G. L. O.

August 24:

Report in timber trespass: Charles Nye, Skagway, April 1, 1906, May 23, 1907, for 303 cords of fire wood; copy of report and of proposition for files.

Report as above with proposition and c/c 45.45 mailed G. L. O.

August 24:

Report in timber trespass: Fidalgo Island Packing Co., Ketchikan, April, 1906, to March 7, 1907, 60 cords wood and 320 linear feet piling; copy of report and of proposition for files.

Report above with proposition and % \$25.00 to G. L. O.

Letter to J. F. Edwards, 1913½ Olive st., St. Louis, Mo., reply to letter of April 4, 1907, making inquiries regarding public land laws of Alaska.

August 25 (Sunday).

August 26:

To 722 Washington st. to interview James W. Tearney, coal-land claimant (Simonds); not found at home.

To 1604A Ferry ave., to interview Cecil Weeks, coal claimant, Katalla (Christopher); not found at home.

To 1710 E. Spruce st., to interview H. B. Runnels, coal claimant, Katalla (Simonds); finding no one at number.

To 212 Occidental ave. to interview Thomas M. Henderson, coal claimant, Katalla (Simonds); said agent was M. C. Sweeney; could not remember amount invested and referred to Sweeney.

Street-car fare:

722 Washington st. & ret.....	\$0. 10
1604 Terry ave. & return.....	. 10
1710 E. Spruce st. & ret.....	. 10

August 27:

Report in timber trespass: Northern Commercial Co. (Fairbanks Electric Plant), San Francisco, Cal., Apr. 24 to Dec. 31, 1906, of 1,056 cords firewood.

Copy of report and of proposition for files; report and proposition with % \$158.40 mailed G. L. O.

Letter to Northern Commercial Co., San Francisco, Cal., reply to letter of Apr. 16, 1907, and acknowledging receipt of propositions of settlement for timber, Navigation Department, 1906, 8,523 cords with % \$1,278.45, and Fairbanks Electric Plant, April 24 to Dec. 31, 1906, 1,056 cords with % \$158.40, inclosing vouchers.

August 28:

Report in timber trespass: North American Transportation and Trading Company, No. 767 Rookery, Chicago, and Seattle, Wash., 1903 to "fall of 1905," 7,019 cords firewood; copy for files.

Letter to W. H. Hurlburt, care Chas. Sweeney, 27 Williams st. (Lord's Court), New York City, coal claimant, Katalla (Green group), reply to letter 12 inst. on subject of claim.

821 Letter to Edgar M. Wilson, secy., Tanana Electric Co., Fairbanks, Alaska, acknowledging receipt of proposition to settle for public timbers, Sept. 15, 1906, to Dec. 8, 1906, with draft \$116.77 therefor; calling for \$42.60 to balance, with directions for future settlements—inclosing blank proposition for settlement season 1907.

August 29:

To 560 John st., to interview Alfred Edwards, coal claimant, Katalla (Simmonds); not found at home.

To 609 Tenth ave., searching for Helen G. Morrill, coal claimant, Katalla (Christopher); informed she now lives at Kent, Wash.

To 616 Burke Bld., to interview John P. Hartman, coal claimant, Katalla (Christopher); not found in.

To 4115 Fremont ave., to interview W. J. Landon, coal claimant, Katalla (Simmonds group); was referred to Empire Building.

Car fares: To John st. & ret.; to 10<sup>th</sup> ave. & ret.; to 4115 Fremont ave. & ret., and to 2102 E. Madison ave. and return, \$.40.

August 30:

To office, Pier No. 6, North American Transportation and Trading Company and secured reendorsement to order of Honorable Commissioner, G. L. O., of % \$1,052.85 Re. timber trespass.

To S. Rainier Boul., near Court, S. E. Seattle, via York to interview Arthur A. Seagrove and Mabel A. Seagrove, coal-land claimants, Katalla (Christopher group); Seagrove said Christopher had induced him to go into it and that plan was to sell the many holdings to a large concern; he could not remember what amount he had invested; Christopher and wife had lived with him for years when he ran the Occidental Hotel, and he had contributed to some of his expenses, but did not know how much. He expected to give Christopher "the lion's share" of his portion in case of sale.

To 616 Burke Bldg., and interviewed John P. Hartman, of record as coal claimant, Katalla (Christopher); says has exhausted his right and wishes to relinquish Alaska claim.

To Empire Building and interviewed W. J. Landon, coal claimant, Katalla (Simmonds); to effect that he had assigned his claim, without consideration, to M. C. Sweeney.

Car fare to York and return, \$.10.

August 31:

Report in timber trespass, N. A. Transportation and Trading Company, with proposition to settle and % \$1,052.85 mailed G. L. O.

Copy of "Daily Record of Work and Expenses" for August to accompany account for that month.

SEATTLE, WASHINGTON, Sept. 4, 1907.

I hereby certify to the correctness of foregoing record.

H. K. LOVE,  
Spl. Agt., G. L. O.

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*Daily report.*

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
October 29, 1907.

Interview with Charles Green, Juneau, Alaska, owner of sawmills at Douglas and on Admiralty Island, re law of liability for public timber cut for traffic and method pursued by department enforcing such, with the probable valuation of stumpage for 1907-1908.

Per verbal instructions of the honorable commissioner, G. L. O., called on P. M. Mullen, receiver and father of Ignatius Mullen, coal-land claimant under U. S. coal land survey No. 41, "Lobster" claim. Desired sworn statement as to his interest or noninterest therein, and if the money invested or any part of it was loaned to son by him. Mr. Mullen declined to make the statement, though protesting all was right; finally said he would hand me a written statement.

H. K. LOVE, *Special Agent.*

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*Daily report.*

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DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
November 12, 1907.

At Juneau, Alaska.

Letter to G. L. O. inclosing sworn statements of P. M. Mullen and Ignatius Mullen, in coal cash entry No. 5, Cunningham group, Katalla, recommending issuance of patent therein, with reasons therefor.

Letter to G. L. O. acknowledging Letter "P" 42183, E. S. E., re timber trespass, 1906, Ellamar Mining Co., and explaining reason why proposition therein refers question to the honorable Secretary of the Interior, apparently contrary to instructions of July 5, Letter "P," 39691, E. S. E., in Alaska Oil and Guano Co. timber trespass case; acknowledging such instructions for future guidance. Copy of Letter "P" 42813, E. S. E., Oct. 14, 1907, for submission to proponent in call for certified check \$158.60.

H. K. LOVE, *Special Agent.*

## DAILY REPORTS, JAMES M. SHERIDAN, JUNE, 1908 TO MARCH, 1910.

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*Daily reports for June, 1908.*

[All signed "James M. Sheridan," special agent.]

Thursday, June 18, 1908.

Reported for duty, Division "P," General Land Office. Under instructions.

Friday, June 19, 1908.

Reported for duty, Division "P," General Land Office. Under instructions.

Saturday, June 20, 1908.

Left Washington, D. C., at 4 p. m., en route to field headquarters, at Denver, Colorado. Obtained transportation, 19th, from C. & O. Ry. Co., including berth, amounting to \$24.45, to Leavenworth, Kansas. Voucher No. 2333 inclosed.

Sunday, June 21, 1908.

Arrived at St. Louis, Mo., en route to field headquarters, Denver, Colorado, at 6.45 p. m. Purchased sleeper from St. Louis, Mo., to Leavenworth, Kansas, sleeper indicated in yesterday's report extending to St. Louis, Mo., only. Will leave for Leavenworth, Kansas, to-night at 10.10. p. m. Pullman voucher No. 2334 inclosed.

Monday, June 22, 1908.

Arrived in Leavenworth, Kansas, at 10 a. m. to-day. Now on vacation, approved for six days prior to my departure from Washington, D. C. I am counting to-day as the first day of this leave.

Tuesday, June 23, 1908.

In Leavenworth, Kansas, on leave; en route to field headquarters, Denver, Colorado.

Wednesday, June 24, 1908.

In Leavenworth, Kansas, on vacation.

Thursday, June 25, 1908.

On leave in Leavenworth, Kansas; en route to field headquarters at Denver, Colorado.

Friday, June 26, 1908.

In Leavenworth, Kansas, on leave; en route to field headquarters at Denver, Colorado.

Leavenworth, Kans., Saturday, June 27, 1908.

Left for Denver, Colorado, en route to field headquarters. U. P. R. R., fare, Leavenworth, Kansas, to Denver, Colorado, T. R. No. 2335 (\$14.35). U. P. R. R. sleeper, Leavenworth, Kansas, to Denver, Colorado, T. R. No. 2336 (\$3.50).

Sunday, June 28, 1908.

Left Leavenworth, Kans., to-day at 8 a. m., for Denver, Colo., my field headquarters. Purchased transportation to Denver, Colo., as follows: T. R. Nos. 2335, 2336 (\$14.35 and \$3.50—\$17.85). Train late about two hours. Due to arrive Denver, Colo., about 8.30 a. m. to-morrow.

4583 Denver, Colo., Monday, June 29, 1908.

Arrived in Denver, Colo., 7.30 a. m. Transferred 4 pieces baggage to hotel from station, \$1; fee to Pullman porter, \$0.25; reported to office of chief of field division at 9 a. m. Chief absent on business. Spent day in office studying regulations and instructions.

Denver, Colo., Tuesday, June 30, 1908.

Spent day in office of chief of field division, studying regulations and receiving instructions as to my duties.

*Daily reports for July, 1908.*

[All signed "James M. Sheridan," special agent.]

Denver, Colo., Wednesday, July 1, 1908.

Reported to office chief field division, 522 Quincy Building, at 9 a. m. Received instructions from Mr. McEniry, chief field division, as to my duties, and, in accordance with his instructions, left for Trinidad, Colo., at 10 p. m., on C. & S. R. R., issuing same T. R. No. 2337 (\$13) for round-trip ticket from Denver, Colo., to Trinidad, Colo., and return. Bought Pullman sleeper Denver, Colo., to Trinidad, Colo., \$2.

Trinidad, Colo., Thursday, July 2, 1908.

Arrived in Trinidad, Colo., at 6.45 a. m. Portage, \$0.25. Left for country with Mineral Inspector M. S. Hibbard at 8 a. m. Had team and driver and double buggy all day, expenses paid by Mr. Hibbard. Examined H. E. 15793, Pueblo series, of J. R. Gutierrez, sec. 34, T. 33 S., R. 65 W. Coal land, to be reported adversely. Traveled 20 miles. Returned to Trinidad, Colo., at 5.30 p. m.

Trinidad, Colo., Thursday, July 2, 1908.

Arrived at 6.45 a. m. Paid Pullman porter \$0.25. Left Trinidad for country in company with Mineral Inspector M. S. Hibbard at 8 a. m. Made examination of

H. E. 15793, Pueblo series, of J. B. Gutierrez, in sec. 34, T. 33 S., R. 65 W., coal land; to be reported adversely. Returned to Trinidad, Colo., at 5.30 p. m. Transportation expenses, two-horse vehicle and driver, paid by Mr. Hibbard.

Trinidad, Colo., Friday, July 3, 1908.

In company with Mineral Inspector M. S. Hibbard, left for country at 7.45 a. m. Made examination of H. E. 11175, Pueblo series, of J. I. Vigil, secs. 29-32, T. 33 S., R. 65 W., coal land; to be reported adversely. Returned to Trinidad at 5.30 p. m. Team and driver all day. Drove 26 miles. Expenses paid by Mr. Hibbard.

Trinidad, Colo., Saturday, July 4, 1908.

Spent day in town, assisting Mineral Inspector M. S. Hibbard in compilation of map of entries examined and to be examined in Pueblo district to facilitate location of entries examined in future. Object, to save time in field. Also rec'd instructions from Mr. Hibbard as to my duties.

Trinidad, Colo., Sunday, July 5, 1908.

Left for country at 7.45 a. m. Made examination of T. & S. 9610, Pueblo series, of E. E. Cooley, secs. 20-29, T. 33 S., R. 65 W. Coal land, to be reported adversely.

Accompanied Mineral Inspector M. S. Hibbard over lands T. & S., s. s., 278, of —, examined by him before 6-23-08. Traveled 30 miles. Driver and team all day. Expenses paid by Mr. Hibbard. Returned to Trinidad, Colo., at 5.45 p. m.

Trinidad, Colo., Monday, July 6, 1908.

Left for country at 7.30 a. m. Took affidavit of Carmel Gonzalez, on his ranch in Reilly Canyon, in re H. E. 12213, Pueblo series, secs. 10-15, T. 33 S., R. 65 W. Also took affidavit of —, who lives about 1 mile above Gonzalez's ranch. Both favorable to Gonzalez. Had team and single buggy all day, with driver. Expenses paid by me, \$4.00; lunch for driver, \$0.35. Traveled about 25 miles. Returned to Trinidad 5.45 p. m.

Trinidad, Colo., Tuesday, July 7, 1908.

Left for country at 7.30 a. m. Took affidavits of — and —. Had team and single buggy all day; paid for same, \$4; for lunch of driver, 35 cents. Traveled 36 miles. Returned to Trinidad at 5.50 p. m.

Trinidad, Colo., Wednesday, July 8, 1908.

Left for country at 8 a. m. Took affidavit of —, entryman in case H. E. No. 11175, T. 33 S., R. 65 W.; also affidavits of — and — in same case. Paid A. J. Chambers, Trinidad, Colo., for hire team and buggy with driver for day, \$4; paid Corinado Hotel, Trinidad, Colo., for driver's lunch, 35 cents; traveled 27 miles. Returned to Trinidad at 5.35 p. m. C. & S. Ry. sleeper Trinidad to Denver, \$2. Left Trinidad, Colo., for Denver, Colo., 11.35 p. m.

Denver, Colo., Thursday, July 9, 1908.

Arrived in Denver, Colo., from Trinidad, Colo., at 7.30 a. m. Reported to Chief of Field Division M. D. McEniry at 9 a. m. Spent day compiling data for future field use and copying affidavits in H. E. 11175 and H. E. 15793. Paid Pullman porter, \$.25.

4584 Denver, Colo., Friday, July 10, 1908:

Spent day in office of chief of field division assisting Mineral Inspector M. S. Hibbard by copying affidavits in H. E. 11175 and H. E. 15793, and in state library compiling coal-mining statistics for future field use.

Denver, Colo., Saturday, July 11, 1908:

Spent day assisting Mineral Inspector M. S. Hibbard in compilation of coal-mining statistics in state library for future field use, and in preparation of new cases to be taken into field. Issued T. R. No. 2338 (\$7.20) to C. & S. R. R. for fare, Denver, Colo., to Trinidad, Colo. Pullman sleeper, ditto, \$2; transfer baggage and self, hotel to depot, \$0.75. Left on C. & S. R. R. for Trinidad 10 p. m.

Trinidad, Colo., Sunday, July 12, 1908:

Arrived at Trinidad, Colo., at 6.20 a. m. Spent day listing and arranging new cases for future field work. Paid Pullman porter, \$0.25; transfer baggage, depot to hotel, \$0.50.

Trinidad, Colo., Monday, July 13, 1908:

Spent day in office of Mineral Inspector M. S. Hibbard arranging and listing new cases for future field use. Communicated with R. & R., Pueblo, Colo., asking additional data in certain of new cases found deficient therein.

Trinidad, Colo., Tuesday, July 14, 1908:

Left for country with Mineral Inspector M. S. Hibbard at 7.45 a. m. Made examination of H. E. 12213, Pueblo series, of Carmel Gonzalez, Sopris, Colo. Land situate in Reilly Canyon. Coal land. To be reported adversely. Team and double buggy with driver, all day. Expense of team and buggy paid by Mr. M. S. Hibbard, mineral inspector. Paid by me to Coriando Hotel for driver's lunch, \$0.25. Traveled 25 miles. Returned to Trinidad, Colo., at 5.15 p. m.

Trinidad, Colo., Wednesday, July 15, 1908:

Left for country with Mineral Inspector Hibbard at 8 a. m. Made examination of H. E. 11206, Pueblo series, of Jose Lino Trujillo, secs. 20-29, T. 33 S., R. 62 W. Not coal land; to be reported favorably. Found that since adverse information was received on case, which was basis for our investigation, land had been sold and patent later issued to entryman. Traveled 30 miles; returned to Trinidad 5.20 p. m.

Trinidad, Colo., Thursday, July 16, 1908:

Left for country with Mineral Inspector M. S. Hibbard at 8 a. m. Made exams. of H. E. 11717, Pueblo series, Domingo Montoya, sec. 21, T. 33 S., R. 62 W., and H. E. 12254, Pueblo series, Cipriano Trujillo, sec. 33, T. 33 S., R. 62 W., and secs. 3 and 4, T. 34 S., R. 62 W. Both entries noncoal. Both to be reported favorably. Took affidavit of entryman in former and of Donaciano Maldonado, relative of entryman, in latter. Team, double buggy, and driver all day. All expenses paid by Mr. Hibbard. Drove 50 miles. Returned to Trinidad, Colo., 8.30 p. m.

Trinidad, Colo., Friday, July 17, 1908.

Spent day in office of Mineral Inspector M. S. Hibbard listing and arranging cases for future field work. Wrote R. & R., Pueblo, Colo., for status in number of new cases. Mailed H. E. 12904, Pueblo series, Quirino Fernandez, reported 7-6-08, and H. E. 15309, Pueblo series, Antonio D. Valdez, relinquished 4-20-08, to Chief of Field Division, Denver, Colo. Did not go to country, as roads were practically impassable from rain of preceding day.

Trinidad, Colo., Saturday, July 18, 1908.

Left for country with Mineral Inspector M. S. Hibbard at 7.30 a. m. Made exam. of H. E. 13962, Pueblo series, of Jackson Morris, sec. 14, T. 33 S., R. 65 W. Coal land; to be reported adversely. Took affidavit of Jackson Morris in same case. Team and double buggy and driver all day; all expenses paid by Mr. Hibbard. Drove 25 miles. Returned to Trinidad, Colo., 4.30 p. m.

Trinidad, Colo., Monday, July 20, 1908.

Spent day in office of Mineral Inspector M. S. Hibbard working on following reports: H. E. 12213, Pueblo Series, Carmel Gonzales, sec. 10-15, T. 33 S., R. 65 W. Coal land, reported adversely. H. E. 15920, Pueblo Series, George Phipps, sec. 28, T. 27 S., R. 68 W. Coal land, reported adversely. H. E. 11717, Pueblo Series, Domingo Montoya, sec. 21, T. 33 S., R. 63 W. completed, reported favorably. Begun favorable report on H. E. 12254, Pueblo Series, Cipriano Trujillo, sec. 3 and 4, T. 34 S., R. 62 W. Mailed all above named completed reports to M. D. McEniry, Chief Field Division, Denver, Colorado. Will leave to-night 11.35 C. & S. train for Walsenburg, Colorado, to attend hearings. Bought round-trip ticket on C. & S. R. R. Trinidad, Colo., to Walsenburg, Colo., and return, issuing therefor T. R. 2339 (\$3.00).

Walsenburg, Colo., Tuesday, July 21, 1908.

Left Trinidad, Colo., on C. & S. R. R. at 11.35 p. m., July 20, 1908. Arrived Walsenburg, Colo., 1.37 a. m., July 21, 1908. Met special Agent E. B. Lacy, who came from Denver, Colo., to conduct hearings in H. E. 11512, Pueblo Series. Assisted 4585 at hearings. Witness for Govt., M. Schallenberger, formerly forest ranger.

Witnesses for claimant: Juan S. Abila, entryman; J. G. Archuleta and J. G. Valdez. Result favorable to claimant. Left Walsenburg, Colo., at 5.55 p. m. on C. & S. R. R., using round-trip ticket obtained day before. Arrived Trinidad, Colo., 7.40 p. m. Transfer of self and baggage to train night of July 20, 1908, when leaving for Walsenburg, Colo., \$0.25.

Trinidad, Colo., Wednesday, July 22, 1908.

Left Trinidad, Colo., with Mineral Inspector M. S. Hibbard, for country at 8 a. m. Made examination of H. E. 10916, Pueblo series, of Ingniazio Barbata, sec. 13, T. 33 S., R. 65 W. Coal land; to be reported adversely. Team, driver, and double buggy all day, expenses paid by Mr. Hibbard. Drove 25 miles. Returned to Trinidad, Colo., 5.45 p. m.

Trinidad, Colo., Thursday, July 23, 1908.

Left for country at 8 a. m. to endeavor to obtain accommodations in T. 33 S., R. 65 W. Failed, due to sickness in only two houses where same might be had. Engaged saddle horse from A. J. Chambers, Trinidad, Colo., at rate of \$1.50 per diem, expense paid by me. Rode 48 miles. Returned to Trinidad 8.30 p. m. Had horse all day.

Trinidad, Colo., Friday, July 24, 1908.

Left for country at 8 a. m. Took two affidavits of Jose Jacobo Lucero, entryman in H. E. 11031, Pueblo series, T. 33 S., R. 65 W., one as to his own entry and another as to H. E. 11709, Pueblo series, T. 33 S., R. 65 W., of heirs of Benigna Romero, which adjoins entry of affiant. Coal land. To be reported adversely. Engaged saddle horse from A. J. Chambers, Trinidad, Colo., at \$1.50 per diem, expenses paid by me. Had horse all day. Rode 25 miles. Returned to Trinidad 6.30 p. m. Went to office of Mr. Hibbard at 7.30 p. m. and worked on official matters until 10.50 p. m.



Trinidad, Colo., Saturday, July 25, 1908.

Spent day in office of Mr. Hibbard, surveyor of mineral deposits, arranging new cases received within past two days for future field use. Acknowledged receipt of same to Chief Field Division M. D. McEniry, Denver, Colo. Worked from 8 a. m. to 10 p. m.

Trinidad, Colo., Sunday, July 26, 1908.

Spent all day in office of Mineral Inspector M. S. Hibbard working on new cases and some already examined. Received three new cases from Chief Field Division M. S. McEniry, Denver, Colo. Receipt acknowledged. Hours, 9 a. m. to 9 p. m.

Trinidad, Colo., Monday, July 27, 1908.

Left for country at 8 a. m. Took following affidavits: Affidavit of Jose O. Gonzalez in his H. E. 14393, Pueblo series, sec. 15, T. 33 S., R. 65 W.; affidavit of Gravier Gonzalez in foregoing H. E.; affidavit of Severita Chacon, who made H. E. 14394, Pueblo series, secs. 15-22-23, T. 33 S., R. 65 W., in same. Both entries coal land, to be reported adversely. Engaged saddle horse of O. T. Clark, Trinidad, Colo., at rate of \$1.50 per diem. Had same all day. Rode 25 miles. Returned to Trinidad, Colo., at 8 p. m.

Trinidad, Colo., Tuesday, July 28, 1908:

Left for country at 8 a. m. Took affidavit of Pedro Antonio Romero in H. E. 11031, Pueblo series, sec. 12, T. 33 S., R. 65 W.; of Jose Jacobo Lucero in Los Alamos Canyon. Then went to Burro Canyon to take affidavits in this case and one other. Did not take affidavits here, parties relatives and prejudiced. Hired saddle horse of O. T. Clark, Trinidad, Colo., at rate of \$1.50 per diem, expense paid by me. Traveled 35 miles. Had horse all day. Returned to Trinidad 6.20 p. m.

Reilly Canyon, near Berwind, Colo., Wednesday, July 29, 1908:

Left Trinidad for country at 8 a. m. Took affidavit of Melbourne E. Crandall, entryman in H. E. 14316, Pueblo series, sec. 30, T. 32 S., R. 65 W. Favorable to affiant. Spent rest of day and night until 11 p. m. with one Scott, in sec. 7, T. 32 S., R. 65 W., obtaining information as to timber trespasses and fraudulent homestead entries thereabout. Hired saddle horse of O. T. Clark, Trinidad, Colo., at rate of \$1.50 per diem; had same all day. Rode 18 miles. Had horse all day. Expenses paid by me. Stayed at Mr. Scott's all night.

Trinidad, Colo., Thursday, July 30, 1908:

Took following affidavits: Juan J. Valdez, entryman in H. E. 13023, Pueblo series, secs. 30-31, T. 32 S., R. 65 W. Not favorable to entryman. Hugo Garcia, entryman in H. E. 12045, Pueblo series, secs. 30-31, T. 32 S., R. 65 W. Not favorable to entryman. Hired saddle horse of O. T. Clark, Trinidad, Colo., at rate of \$1.50 per diem. Had same all day. Expense paid by me. Rode about 22 miles. Returned to Trinidad at 8 p. m. Worked in office on official matters until 11 p. m.

Trinidad, Colo., Friday, July 31, 1908:

Spent day in office of Mineral Inspector M. S. Hibbard, making out statement of salary and expenses for month of July, 1908. Paid Edwin C. Downer, notary public, notarial fee for acknowledging my signature to above account, \$0.25.

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### *Daily reports for August, 1908.*

[All signed "James M. Sheridan, special agent."]

Trinidad, Colo., Saturday, August 1, 1908.

Left for country with Mineral Inspector M. S. Hibbard at 8 a. m. Assisted in making examination of 1st part of L. S. 4433, Pueblo series, sec. 13, T. 33 S., R. 65 W., of Allen M. Ghost, and found same to be coal land, to be reported adversely; and 2nd part of L. S. 4433, Pueblo series, sec. 14, T. 33 S., R. 65 W., of Allen M. Ghost, and found same to be coal land, to be reported adversely.

Had team and driver and double-seated buggy all day; expense paid by Mr. Hibbard. Traveled 25 miles. Returned to Trinidad at 6.15 p. m.

Trinidad, Colo., Sunday, August 2, 1908.

Spent day in office of Mineral Inspector M. S. Hibbard preparing list of cases to be taken to Pueblo, Colo., to supply missing data requisite for field examination. Found 58 such defective cases.

Trinidad, Colo., Thursday, August 3, 1908.

Spent day in office of Mineral Inspector M. S. Hibbard copying affidavits and working on 4-480 reports.

Purchased of A. T. & S. F. Ry. Co. fare from Trinidad, Colo., to Pueblo, Colo., issuing therefor T. R. No. 2340 (\$3.65). Bought Pullman sleeper on A. T. & S. F. Ry. from Trinidad, Colo., to Pueblo, Colo., \$2.00.

Left for Pueblo, Colo., on A. T. & S. F. Ry. at 8.10 p. m.

Pueblo, Colo., Friday, August 4, 1908.

Arrived in Pueblo, Colo., at 6.30 a. m. Spent day in office of R. & R., Pueblo, Colo., supplying data wanted in 58 cases taken from office of Mineral Inspector M. S. Hibbard, at Trinidad, Colo., yesterday. Completed 39 cases.

Porterage to Pullman porter, \$0.25.

Pueblo, Colo., Wednesday, August 5, 1908.

Spent day in office of R. & R. gathering missing data in cases assigned to Mineral Inspector M. S. Hibbard and myself for investigation.

C. & S. Ry. fare, Pueblo, Colo., to Denver, Colo., on T. R. No. 2341 (\$3.55). Left for Denver at 5.10 p. m. Arrived in Denver, Colo., 8.30 p. m. same date.

Denver, Colo., Thursday, August 6, 1908.

Reported to Chief Field Division M. D. McEwing at 9 a. m.

Spent day compiling data on timber-trespass cases reported to me by ——— at head of Reilly Canon, near Berwind, Colo., for purpose of future investigation. C. & S. Ry., fare Denver, Colo., to Trinidad, Colo., on T. R. No. 2342 (\$14.40), for self and A. E. Pagan, Field Asst., G. L. O., on same T. R. Will leave for Pueblo, Colo., at 8 a. m. to-morrow.

Pueblo, Colo., Friday, August 7, 1908.

Left Denver, Colo., for Pueblo, Colo., at 8 a. m. on C. & S. Ry. Issued T. R. No. 2342 (\$14.40), to C. & S. Ry., fare, Denver, Colo., to Trinidad, Colo., with stop-over privilege at Pueblo, Colo., for two days, for myself and A. E. Pagan, Field Asst., G. L. O., both on the one T. R.

Paid Pullman conductor, C. & S. Ry., for Pullman chair \$.75.

Arrived at Pueblo, Colo., at 11.50 a. m.

Spent rest of day gathering data at land office in re timber trespasses reported to me by ——— at head of Reilly Canon, near Berwind, Colo., July 29–30, 1908, under instructions of Chief Field Division M. D. McEwing, Denver, Colo.

Made arrangements to meet ———, Pueblo, Colo., at land office next day at 9 a. m. in re unlawful taking up of land near Kinkel, Colo., by various persons.

Trinidad, Colo., Saturday, August 8, 1908.

Met ——— at land office, Pueblo, Colo., at 9 a. m., as per arrangement of yesterday. Obtained his complaint in detail as to unlawful procedure of ——— in taking up public land. Informant seems credible. Investigation will be necessary.

Left Pueblo, Colo., for Trinidad, Colo., on C. & S. Ry., on T. R. No. 2342 (\$14.40), obtained Aug. 6, 1908, for myself and Field Asst. G. L. O. A. E. Pagan. Paid C. & S. Ry. Pullman conductor for Pullman chair \$0.50; tipped Pullman porter, .10; arrived at Trinidad, Colo., at 4.40 p. m. Paid car fare from station to house, .05.

Trinidad, Colo., Sunday, August 9, 1908.

I spent day in office of M. S. Hibbard writing up report of interview had with Jas. W. Duckworth, of Pueblo, Colo., on Aug. 8, 1908, in re fraudulent entries in vicinity of Kinkel, Colo.

Also writing up 4–480 reports.

Trinidad, Colo., Monday, August 10, 1908.

Spent day in office of M. S. Hibbard working on 4–480 reports in following cases:

Homestead entry 13962, Pueblo series, Jackson Morris, T. 33 S., R. 65 W.  
4587 Homestead entry 11709, Pueblo series, Benigna Romero, T. 33 S., R. 65 W.  
Homestead entry 10916, Pueblo series, Ignazio Barbota, T. 33 S., R. 65 W.

Trinidad, Colo., Tuesday, August 11, 1908.

Left for country at 8 a. m. with M. S. Hibbard and A. E. Pagan, Agts. G. L. O. Made partial examination of following entries: Homestead entry 14393, Pueblo series, Severita M. Chacon. T. & S. SS. 257, Pueblo series, Moses Romero. T. & S. SS. 258, Pueblo series, Pedro J. Chacon. T. & S. SS. 259, Pueblo series, Fret Wellenreuther. All in T. 33 S., R. 65 W. All coal land as far as examined. Had team, double buggy, and driver all day. Expense paid by Mr. Hibbard. Drove 25 miles. Returned to Trinidad at 6.45 p. m.

Trinidad, Colo., Wednesday, August 12, 1908.

Left for country at 7.30 a. m. with Messrs. Hibbard and Pagan. Completed survey on following entries: H. E. 14393, Pueblo series, Severita M. Chacon. T. & S. SS. 257, Pueblo series, Moses Romero. T. & S. SS. 258, Pueblo series, Pedro J. Chacon. T. & S. SS. 259, Pueblo series, Fret Wellenreuther; all in T. 33 S., R. 65 W. Team & driver, with double buggy all day; expenses paid by Mr. Hibbard. Drove 30 miles. Returned to Trinidad at 6.15 p. m.

Trinidad, Colo., Thursday, August 13, 1908.

Spent day in office of M. S. Hibbard writing up following reports: 1. H. E. 11206, Pueblo series, of Jose Lino Trujillo, secs. 20–29, T. 33 S., R. 62 W. Reported favorably; agricultural land. 2. H. E. 11031, Pueblo series, of Jose Jacobo Lucero, sec. 12, T. 33 S., R. 65 W. Coal land: 4–480. 3. T. & S. C. E. 9610, Pueblo series, of

E. Earl Cooley, secs. 20-29, T. 33 S., R. 65 W. Coal land: 4-480. M. S. Hibbard assisting in same work. A. E. Pagan collecting data for future field use in new cases at offices of county clerk and county assessor, Trinidad, Colo.

Trinidad, Colo., Friday, August 14, 1908.

Left for country at 7.30 a. m. with Hibbard and Pagan. Begun transit survey of following entries: T. & S. SS. 242, Pueblo series, of Barney T. Tarabino. T. & S. SS. 241, Pueblo series, of Maria Tarabino. T. & S. SS. 240, Pueblo series, of Teresa Tarabino. T. & S. SS. 261, Pueblo series, of Romano Filepeto, all in T. 33 S., R. 65 W., all coal land. Team, double buggy, and driver all day; expenses paid by Hibbard. Traveled 30 miles. Returned Trinidad 6.15 p. m.

Trinidad, Colo., Saturday, August 15, 1908.

Left for country at 8 a. m. with Hibbard and Pagan. Continued transit survey of following entries, on which we were working yesterday: T. & S. S. S. 242, Pueblo series, Barney T. Tarabino; T. & S. S. S. 241, Pueblo series, Maria Tarabino; T. & S. S. S. 240, Pueblo series, Teresa Tarabino; T. & S. S. S. 261, Pueblo series, Romano Filepeto; all in T. 33 S., R. 65 W. Team and double buggy with driver all day; expenses paid by Hibbard. Traveled 35 miles; returned to Trinidad at 6.45 p. m.

Trinidad, Colo., Sunday, August 16, 1908.

Spent day in office of M. S. Hibbard writing up record of previous day's work on entries of Barney T. Tarabino, Maria Tarabino, Teresa Tarabino, and Romano Filepeto, all in T. 33 S., R. 65 W.

Trinidad, Colo., Monday, August 17, 1908.

Left for country at 7.30 a. m. with Hibbard and Pagan. Completed transit survey of following entries: T. & S. S. S. 242, Pueblo series, Barney T. Tarabino; T. & S. S. S. 241, Pueblo series, Maria Tarabino; T. & S. S. S. 240, Pueblo series, Teresa Tarabino; T. & S. S. S. 261, Pueblo series, Romano Filepeto, all in T. 33 S., R. 65 W. Had team and double buggy with driver all day; expenses paid by Hibbard. Traveled 32 miles; returned to Trinidad 5.45 p. m.

Trinidad, Colo., Tuesday, Aug. 18, 1908.

Left for country with Hibbard and Pagan at 7.30 a. m. Completed examinations of following entries: T. & S. 240, Pueblo series, Teresa Tarabino, Sec. 20; T. & S. 261, Pueblo series, Romano Filepeto, Sec. 30, both in T. 33 S., R. 65 W. Both coal land, to be adversely reported. Team and double buggy with driver all day; expenses paid by Hibbard. Drove 35 miles. Returned to Trinidad at 5.30 p. m.

Trinidad, Colo., Wednesday, August 19, 1908.

Spent day in office of M. S. Hibbard working on following reports: H. E. 14393, Pueblo series, of Jose O. Gonzalez, Sec. 15, T. 33 S., R. 65 W. Coal land. Reported adversely. T. & S. SS. 261, Pueblo series, of Romano Filepeto, Sec. 30, T. 33 S., R. 65 W. Coal land. Supplemental adverse report. Sent to Chief Field Division M. D. McEniry invoice of Govt. property in my possession.

Trinidad, Colo., Thursday, August 20, 1908.

Left for country with Hibbard and Pagan at 7.30 a. m. Completed examination of following entries: T. & S. SS. 242, Pueblo series, Barney T. Tarabino, sec. 33, T. 33 S., R. 65 W. Coal land; to be reported adversely. T. & S. SS. 241, Pueblo series, Maria Tarabino, secs. 28-29, T. 33 S., R. 65 W. Coal land; to be reported adversely. Team and double buggy with driver all day; expenses paid by Hibbard. Drove 32 miles; returned to Trinidad 5.40 p. m.

Trinidad, Colo., Friday, August 21, 1908.

Left for country at 7.30 a. m., with Hibbard and Pagan. Completed examination of following entries: T. & S. SS. 257, Pueblo series, Moses Romero, secs. 22-23, T. 33 S., R. 65 W. Coal land; to be reported adversely. T. & S. SS. 258, Pueblo series, Pedro J. Chacon, secs. 22-23, T. 33 S., R. 65 W. Coal land; to be reported adversely. T. & S. SS. 259, Pueblo series, Fret Wellenreuther, secs. 22-27, T. 33 S., R. 65 W. Coal land; to be reported adversely. H. E. 14394, Pueblo series, Severita M. Chacon, secs. 15-22-23, T. 33 S., R. 65 W. Coal land; to be reported adversely. Team and double buggy with driver all day; expenses paid by Hibbard. Drove 30 miles; returned to Trinidad at 4.30 p. m.

Trinidad, Colo., Saturday, August 22, 1908.

Spent half day in office of M. S. Hibbard working on 4-480 report on entry of José Ignacio Vigil, secs. 29-32, T. 33 S., R. 65 W. Found 42-49 inch coal vein on same. Engaged team and single buggy, with driver, from Brown & McRoary, livery, Trinidad, Colo., at rate \$4.00 per diem. Had same from 1 p. m. to 4.45 p. m.; travelled 26 miles. Returned to Trinidad at 4.45 p. m. Purpose of trip was to verify age of entryman, José Ignacio Vigil, by Parish Registry of Births in Trinidad. Result: Entryman legally qualified.

Trinidad, Colo., Sunday, August 23, 1908.

Spent half-day in office preparing data for future field use.

Trinidad, Colo., Monday, August 24, 1908.

Could not get horses to go to Reilly Cañon to investigate timber trespass cases, hence had to stay in town. Spent day making 4-480 report on T. & S. SS. 240 of Teresa Tarabino, SW.  $\frac{1}{4}$  sec. 20, T. 33 S., R. 65 W. Coal land. Also compiled data for future field use.

Alamosa, Colo., Tuesday, August 25, 1908.

Left Trinidad, Colo., for Alamosa, Colo., on C. & S. Ry. Aug. 24, 1908, at 11.35 p. m., on T. R. No. 4403 (\$1.65) fare from Trinidad, Colo., to Walsenburg, Colo. Arrived at Walsenburg, Colo., at 1.20 a. m., Aug. 25, 1908. Left Walsenburg, Colo., at 3.40 a. m. for Alamosa, Colo., on D. & R. G. Ry. on T. R. No. 4404 (\$3.85) fare from Walsenburg, Colo., to Alamosa, Colo. Paid Pullman conductor on D. & R. G. Ry. for berth from Walsenburg to Alamosa, \$1.50. Arrived at Alamosa, Colo., at 7.25 a. m. Paid Pullman porter, \$0.25. Spent day in Alamosa awaiting receipt of cases for investigation from chief of field division at Denver.

Alamosa, Colo., Wednesday, August 26, 1908.

Received this morning from chief of field division, Denver, Colo., the following cases: T. T. in San Juan Forest Reserve and adjoining same, SW.  $\frac{1}{4}$  sec. 1, and south half of sec. 2, T. 36 N., R. 5 E. D. L. E. 155, Del Norte series, lots 3 and 4, and E.  $\frac{1}{4}$  SW.  $\frac{1}{4}$  sec. 7, T. 37 N. N., R. 9 E., N. M. P. M. Went to interview W. O. Meier in his office in Alamosa; absent in Denver, Colo. Will not return until Friday. No train until 7 a. m. to-morrow for Del Norte, Colo.

Alamosa, Colo., Thursday, August 27, 1908.

Left Alamosa for Del Norte, Colo., on D. & R. G. R. R., at 7.45 a. m. Arrived at Del Norte at 10.45 a. m. Issued for this trip T. R. No. 4405 (\$1.55) to Agt. of said road at Del Norte. Made maps of cases Nos. 635 and 2480 for future use. Interviewed Mr. Herfurth, son of Mary H. Herfurth, as to her entry. Left Del Norte for Alamosa on D. & R. G. R. R. at 5.45 p. m., issuing for this trip T. R. No. 4406 (\$1.55) to Agt. of same R. R. Arrived in Alamosa 7.25 p. m., accompanied by Mr. Herfurth. Will visit Mary H. Herfurth, D. L. E., to-morrow to examine same. Made arrangements for team and buggy.

Alamosa, Colo., Friday, August 28, 1908.

Left for country with Mr. Herfurth at 8 a. m. Examined D. L. E. 155, of Mary H. Herfurth, sec. 7, T. 37 N., R. 9 E., Del Norte series. To be reported favorably. Interviewed R. W. Perry. Favorable to entryman. Went to ranch of Oscar Kling to take affidavit. Absent. Returned to Alamosa at 5 p. m. Hired team and single buggy from G. S. Ferguson livery, Alamosa, Colo., at rate \$4 per diem; paid same, \$4.

Alamosa, Colo., Saturday, August 29, 1908.

Spent day in Alamosa. Made several attempts to locate W. O. Meier to investigate T. T. by him on public lands adjoining San Juan Forest Reserve. Meier reported in Denver, but expected here at any time. Wrote chief field division, Denver, Colo., a letter concerning this case. No other cases now on hand to be investigated here. Learned that T. T. of W. O. Meier in N.  $\frac{1}{4}$  of sec. 23, T. 36 N., R. 6 E., while not on San Juan Forest Reserve at time made, is now within same as per President's proclamation of March 2, 1907.

4589 Alamosa, Colo., Sunday, August 30, 1908.

Spent day in Alamosa. W. O. Meier arrived from Denver about noon. Met him, but he had engagement requiring his immediate departure for Antonito. Reasons good. Made date for interview to-night at his office. Later learned by phone his automobile broke down near Antonito. His return now indefinite.

Alamosa, Colo., Monday, August 31, 1908.

Spent day in Alamosa, Colo. Had two interviews with C. Wallrich and Wm. Graham, both lumber men in Alamosa, Colo., as to price of yellow pine and Douglas spruce, to be used in W. O. Meier case. Result: Yellow pine, stumpage \$3.00; Douglas spruce, \$4.00. Made out monthly account and sent same to Chief of Field Division, Denver, Colo.

### *Daily reports for September, 1908.*

[All signed "James M. Sheridan, special agent."]

Alamosa, Colo., Tuesday, September 1, 1908.

Spent day in Alamosa, Colo. Received telegram and letter from Chief of Field Division, Denver, Colo., directing me to learn if there be any further cases for investigation from Land Office at Del Norte, Colo.; to terminate investigation of W. O. Meier T. T. case in N.  $\frac{1}{4}$  of sec. 23, T. 36 N., R. 6 E. Terminated W. O. Meier case last night. No train for Del Norte until to-morrow morning at about 7 a. m. Only one train a day for Del Norte, hence could not leave to-day.

Cases examined, T. T., bad, 1. Interviews, 1.

Alamosa, Colo., Wednesday, Sept. 2, 1908.

Left Alamosa for Del Norte on D. & R. G. Ry. at 8 a. m. Issued T. R. 4407 (\$1.55) for this trip. Arrived at Del Norte 11.45 a. m. Went to land office and interviewed R. & R. as to new cases per directions Chief Field Division. No new cases. Also interviewed Messrs. James Davies and Geo. C. Widman as to alleged unlawful enclosures.

Left for Alamosa on D. & R. G. Ry. at 5.40 p. m. en route for Denver, Colo. Issued for this trip T. R. 4408 (\$11.20). Bought Pullman sleeper berth from D. & R. G. agent at Alamosa, to Denver, Colo., \$2.00. Left Alamosa for Denver at 8 p. m.

Denver, Colo., Thursday, Sept. 3, 1908.

Arrived in Denver at 7.20 a. m. Paid Pullman porter tip, \$0.25. Obtained 3 days' leave from office, annual leave, to care for invalid brother. Annual leave.

Denver, Colo., Monday, Sept. 7, 1908.

September 3rd, 4th, and 5th, in Denver on annual leave. Spent to-day in office of Chief of Field Division making report of D. L. E. 155, Del Norte series, of Mary H. Herfurth, Del Norte, Colo. Report favorable. Also in conference with Mr. McEniry on official business.

Cases reported, entries, good, 1.

Denver, Colo., Tuesday, Sept. 8, 1908.

Spent day in office of Chief of Field Division reporting on timber trespass by W. O. Meier, Alamosa, Colo., committed in 1905 on SW.  $\frac{1}{4}$  sec. 1, and S.  $\frac{1}{4}$  sec. 2, T. 36 N., R. 5 E. (San Juan Forest Reserve), and on N.  $\frac{1}{4}$  sec. 23, T. 36 N., R. 6 E. Report unfavorable to trespasser. Had conference with Mr. McEniry on official business.

Alamosa, Colo., Wednesday, Sept. 9, 1908.

Spent day in office of Chief of Field Division compiling data for future field use prior to return to Trinidad, Colo., and in investigating alleged unlawful inclosures around Del Norte and Alamosa, Colo. Issued T. R. 4409 (\$7.20) to fare on C. & S. Ry. from Denver, Colo., to Trinidad, Colo. Left for Trinidad on C. & S. at 10 p. m.

Trinidad, Colo., Thursday, Sept. 10, 1908.

Arrived in Trinidad at 7.10 a. m. Mineral Inspector M. S. Hibbard absent from city on official business. While awaiting his return wrote two letters to Chief of Field Division, Denver, Colo., in re abuses in connection with public lands at Logan and Naravisa, New Mexico, and alleged unlawful inclosure by Frederick and Chas. Falk, of Del Norte, Colo., reported to me by forest ranger of Del Norte, Colo. Mr. Hibbard returned about 4 p. m.

Trinidad, Colo., Friday, September 11, 1908.

Spent day in office of Mineral Inspector M. S. Hibbard writing supplemental reports on following cases: H. E. 14394, Pueblo series, Severita M. Chacon, Sopris, Colo.; secs. 15, 22, and 23, T. 33 S., R. 65 W. Coal land; adverse. T. & S. SS. 259, Pueblo series, Fret Wellenreuther, Trinidad, Colo.; secs. 22 and 27, T. 33 S., R. 65 W. Coal land; adverse.

Cases reported, entries, bad, 2.

Trinidad, Colo., Saturday, Sept. 12, 1908.

Spent day in office of Mineral Inspector M. S. Hibbard writing supplemental reports on following cases: T. & S. SS. 257, Pueblo series, Moses Romero, Trinidad, Colo., secs. 22 and 23, T. 33 S., R. 65 W. Coal land; adverse. T. & S. SS. 258, Pueblo series, Pedro J. Chacon, Trinidad, Colo., secs. 22 and 23, T. 33 S., R. 65 W. Coal land; adverse. Took three affidavits of A. E. Pagan, Field Asst., G. L. O., in cases of Fret Wellenreuther, Moses Romero, and Pedro J. Chacon, as to timber on their T. & S. entries.

Trinidad, Colo., Sunday, Sept. 13, 1908.

Spent part of day in office of M. S. Hibbard going over timber trespass cases in T. 32 S., R. 65 W., and R. 66 W., scaled by A. E. Pagan, field assistant, G. L. O., during past week at head of Reilly Canyon.

Trinidad, Colo., Monday, Sept. 14, 1908.

Spent day in office of M. S. Hibbard, mineral inspector, G. L. O., reporting on following cases: T. & S. SS. 241, Pueblo series, of Maria Tarabino, of Trinidad, Colo., secs. 28-29, T. 33 S., R. 65 W., coal land; adverse. T. & S. SS. 242, Pueblo series, of Barney T. Tarabino, of Trinidad, Colo., sec. 33, T. 33 S., R. 65 W., coal land; adverse. Took affidavits in above cases from A. E. Pagan, field assistant, G. L. O., as to timber on said entries, he having assisted in field examination of same.

Trinidad, Colo., Tuesday, Sept. 15, 1908.

Spent day in office of M. S. Hibbard, mineral inspector, reporting on following cases: T. & S. SS. 233, Pueblo series, of Filomena Patrick, Trinidad, Colo., sec. 17, T. 32 S., R. 65 W. Supplemental report to be read with 4-480 report on H. E. 18532, Pueblo series, of Everett M. Spencer, Berwind, Colo., which covers exactly same land. Coal land; adverse. H. E. 18532, Pueblo series, of Everett M. Spencer, Ber-

wind, Colo., and 4-478 report covering timber trespass on same by said Spencer. Case can not be completed until undersigned takes affidavits. Took affidavit of A. E. Pagan, Field Asst., G. L. O., as to timber cut by said Spencer on said entry.

Trinidad, Colo., Wednesday, Sept. 16, 1908.

Spent day in office of M. S. Hibbard, mineral inspector, G. L. O., reporting on following cases: H. E. 15388, Pueblo series, of John Schmidt, Hicks, Colo., sec. 29, T. 31 S., R. 68 W. Coal land; adverse. T. & S. C. E. 9833, Pueblo series, of Ben Romero, sec. 20, T. 31 S., R. 68 W. Coal land; adverse.

Trinidad, Colo., Thursday, Sept. 17, 1908.

Spent day in offices of county assessor and county clerk & recorder investigating titles to entries in T. 32 S., R. 64 & 65 W., and T. 33 S., R. 65 W., prior to reporting on same. All are lieu selections and soldiers' additional entries. This work absolutely necessary; reliable report can not be made until title to land is accurately placed. Will require considerable time to complete this work.

Trinidad, Colo., Friday, Sept. 18, 1908.

Spent day in offices of county assessor and county clerk and recorder investigating titles to entries in T. 32 S., R. 64 & 65 W., and T. 33 S., R. 65 W. 30 cases to be so investigated.

Trinidad, Colo., Saturday, Sept. 19, 1908.

Spent day in offices of county assessor and county clerk and recorder investigating titles to 30 cases in T. 32 S., R. 64 & 65 W., and T. 33 S., R. 65 W. Completed above to-day. Also investigated 3 other titles in T. 32 S., R. 65 W., and T. 33 S., R. 65 W. Wrote letter to Chief Field Division, Denver, Colo., concerning latter three cases.

Trinidad, Colo., Sunday, Sept. 20, 1908.

Spent part of day in office studying laws and regulations.

Trinidad, Colo., Monday, Sept. 21, 1908.

Spent day in office of county assessor and county clerk and recorder investigating title to 7 cases (entries) in T. 33 S., R. 65 W., of Allen M. Ghost. Completed this investigation this date. Wrote letter to Chief Field Division, Denver, Colo., acknowledging receipt of stationery. Also wrote letter to R. & R., Pueblo, Colo., concerning official business.

Trinidad, Colo., Tuesday, Sept. 22, 1908.

Spent day in office of M. S. Hibbard, Mineral Inspector, G. L. O., working on adverse reports in Case No. 2276, of Homer E. Brayton, in T. 32 S., R. 64 & 65 W., and T. 33 S., R. 65 W., containing 30 selections in all. Commenced this work to-day. Wrote letter to Chief Field Division at Denver, Colo., in re H. E. 13022, Pueblo series.

Trinidad, Colo., Wednesday, Sept. 23, 1908.

Spent day in office of Mineral Inspector M. S. Hibbard writing adverse reports on Case No. 2276, consisting of 30 selections, of Homer E. Brayton, Atty. in fact, located in T. 32 S., R. 64 & 65 W., and T. 33 S., R. 65 W. Wrote Chief Field Division, Denver, Colo., for new Daily Work and Expense Book.

Trinidad, Colo., Thursday, Sept. 24, 1908.

Spent day in office of Mineral Inspector M. S. Hibbard writing adverse reports on Case 2276, H. E. Brayton, Assn., consisting of 30 entries in T. 32 S., R. 64 and 65 W., and T. 33 S., R. 65 W. Coal land.

4591 Trinidad, Colo., Friday, Sept. 25, 1908.

Spent day in office of Mineral Inspector M. S. Hibbard writing adverse reports on Case 2276, consisting of 30 L. S. and Sol. Add. Apples. in T. 32 S., R. 64 and 65 W., and T. 33 S., R. 65 W. Coal land. H. E. Brayton, assignee and atty. in fact.

Trinidad, Colo., Saturday, Sept. 26, 1908.

Spent day in office of Mineral Inspector M. S. Hibbard, writing adverse reports on Case 2276, consisting of 30 L. S. and S. A. A. in T. 32 S., R. 64 and 65 W., and T. 33 S., R. 65 W., Pueblo series. Coal land.

Trinidad, Colo., Sunday, Sept. 27, 1908.

Spent day in office of Mineral Inspector M. S. Hibbard, writing 4-480 reports on Case 2276, consisting of 30 selections, L. S. and Sol. Add. Apples., in T. 32 S., R. 64 and 65 W., and T. 33 S., R. 65 W. Coal land.

Trinidad, Colo., Monday, Sept. 28, 1908.

Spent day in office of Mineral Inspector M. S. Hibbard. Finished 30 formal 4-480 reports on Case 2276, in T. 32 S., R. 64 and 65 W., and T. 33 S., R. 65 W. Commenced informal adverse report to accompany same.

Trinidad, Colo., Tuesday, Sept. 29, 1908.

Spent day in office of M. S. Hibbard, Mineral Inspector. Completed informal adverse report on Case 2276, consisting of 30 selections in T. 32 S., R. 64 and 65 W., and T. 33 S., R. 65 W. Mailed, registered, this date 30 formal 4-480 reports and informal adverse report on above lands to Chief Field Division, Denver, Colo.

Trinidad, Colo., Wednesday, Sept. 30, 1908.

Spent day in office of Mineral Inspector M. S. Hibbard. Wrote 4-480 reports on following entries: L. S. 13692, Pueblo series, W. E. Moses Land Scrip & Realty Co., H. E. Brayton, Atty.-in-fact. S. A. H. E. of Jennie Reeves, H. E. Brayton, assignee. Both entries coal land. Spent part of day in Las Animas County court-house investigating titles to above entries. Made out monthly account for September, 1908. Issued T. R. 4411 (\$13.00) to C. & S. Ry., fare Trinidad to Denver, Colo., and return, with ten days' stopover. Bought Pullman sleeper from Trinidad to Denver, Colo., same Ry., \$2.00.

*Daily reports for October, 1908.*

[All signed "James M. Sheridan," special agent.]

Denver, Colo., and headqrs., Thursday, Oct. 1, 1908.

Arrived in Denver at 7.45 a. m. Paid Pullman porter \$0.25. Spent day in office of Chief Field Division. Reported 4-480 on L. S. 4358 (a), Pueblo series, of Allen M. Ghost, Denver, Colo. Coal land. Spent part of day consulting with Chief of Field Division on official business. Cases reported, entries, bad, 1.

Denver, Colo., & headqrs., Friday, Oct. 2, 1908.

Spent day in office Chief Field Division, G. L. O., Denver, Colo. Reported on following entries: L. S. 4358 (b), Pueblo series, Allen M. Ghost, 4-480, coal land; L. S. 4433 (a), Pueblo series, Allen M. Ghost, 4-480, coal land; L. S. 4433 (b), Pueblo series, Allen M. Ghost, 4-480, coal land; L. S. 4433 (c), Pueblo series, Allen M. Ghost, 4-480, coal land. Cases reported, entries, bad, 4.

Denver, Colo. & Hdqrs., Oct. 3, 1908.

Spent day in office of Chief Field Division, Denver, reporting as follows: L. S. 4433 (d), Pueblo series, A. M. Ghost, coal land, 4-480. L. S. 4433 (e), Pueblo series, A. M. Ghost, coal land, 4-480. Cases reported, entries, bad, 2.

Denver, Colo. & Hdqrs., Monday, Oct. 5, 1908.

Spent day in office of Chief Field Division, Denver, Colo. Interviewed official of Victor Fuel Co. as to who frequently appears as middle-man between W. E. Moses Co. and Victor Fuel Co. in L. S. and S. A. A. scrip. Also interviewed as to transfer of L. S. and S. A. A. in Pueblo Land District. Interviews, 2.

JAMES M. SHERIDAN,

*Special Agent, Surveyor of Mineral Deposits.*

Denver, Colo., and Hdqrs., Thursday, Oct. 6, 1908:

Spent day gathering data in re official personnel of American Fuel Co. and Victor Fuel Co. in office of secretary of state at state Capitol Bldg., and in interviewing a Denver Atty. and the Auditor of the Victor Fuel Co. as to parties connected with transfer of coal lands to above corporations. Also, had consultation with Chief 5th Field Division in re above. Interviews, 2.

Pueblo, Colo., Wednesday, Oct. 7, 1908:

Spent part of morning compiling data for investigations to be made in Pueblo Land Office, and receiving instructions from Chief 5th Field Division as to interview to be had with Atty. P. J. Dugan, Pueblo, Colo. Left Denver for Pueblo, Colo., on return coupon of T. R. 4411, issued Sept. 30, 1908, on C. & S. Ry. Arrived at Pueblo, Colo., 2.45 p. m., and spent rest of day compiling data in Pueblo Land Office.

4592 Pueblo, Colo., Thursday, Oct. 8, 1908.

Spent forenoon interviewing Atty. P. J. Dugan in re cases 2276 and 2277, comprising L. S. and S. A. H. E. in T. 32 S., R. 64 and 65 W., and T. 33 S., R. 65 W. Result of interview to be reported later by letter.

Spent afternoon in land office compiling data for completion of reports and future field use. Interviews, 1.

Trinidad, Colo., Friday, Oct. 9, 1908.

Worked in Pueblo land office until 2 p. m. Left Pueblo for Trinidad, Colo., on C. & S. Ry., using return coupon of ticket purchased Sept. 30, 1908, on T. R. 4411 (\$13). Arrived at Trinidad, Colo., at 7.30. Transfer of baggage and self from station to residence, \$0.25.

Trinidad, Colo., Saturday, Oct. 10, 1908.

Spent day in Trinidad, Colo., working in office and in Las Animas County court-house investigating titles of entries under investigation. Wrote two letters: One to P. J. Dugan, and one to H. E. Brayton, both atty's. at law in Pueblo, Colo., in re L. S. in T. 32 S., R. 64 and 65 W. and T. 33 S., R. 65 W. Letters, 2.

Trinidad, Colo., Saturday, Oct. 11, 1908.

Spent day in Trinidad, Colo. Wrote two letters: One to R. & R., Pueblo, Colo., in re Zatter Cushing, T. 33 S., R. 68 W., asking status; and one to Chief Field Division,

Denver, Colo., to test accuracy of description of certain entries sent us from his office. Letters, 2.

Trinidad, Colo., Monday, Oct. 12, 1908.

Spent day in Trinidad. Wrote two letters Chief Field Division asking authority to purchase blue-print paper, and inclosing photos of entries T. & S. Nos. 240, 241, 242, 257, 259, and 261, Pueblo series. Spent part of day in county court-house compiling data on cases under investigation. Letters, 2.

Trinidad, Colo., Tuesday, Oct. 13, 1908.

Spent day in Trinidad. Recd. two letters from attys, Pueblo, Colo., replying to mine of Oct. 10, 1908. Copied these letters on typewriter for future use. Wrote Chief of Field Division, Denver, Colo.: (a) in re Allen M. Ghost; (b) in re timber trespass in T. 32 S., R. 65 W.; (c) in re Allen M. Ghost, inclosing certified copies of contracts; (d) answering telegram from Chief Field Division in re Jas. McMains, "falsely personating govt. timber inspector." Letters, 4.

Walsenburg, Colo., Wednesday, Oct. 14, 1908.

Spent half day in Trinidad. Wrote Chief Field Division, Denver, Colo., in re letters from attys., Pueblo, Colo.; also letter recommending Jas. M. Scott, Berwind, Colo., to be appointed timber cruiser. Mailed, registered, cases 2276 and 2277 of A. M. Ghost and H. E. Brayton to Chief Field Division, Denver, Colo. Issued T. R. 4412 (\$1.65) to C. & S. Ry., fare Trinidad to Walsenburg, Colo.; left for Walsenburg at 1.30 p. m.; arrived at Walsenburg, Colo., at 3 p. m. Letters, 1.

Strong, Colo., Thursday, Oct. 15, 1908.

Left Walsenburg for Strong, Colo., at 7.30 a. m. Arrived at Strong, Colo., at 9 a. m. Took affidavits of Manuel A. Pachero, Joseph McStravick, and Milo W. Strong.

Engaged saddle horse from J. C. Cowan, Walsenburg, Colo., at rate of \$1.50 a day; had same all day. Rode about 30 miles. Had interview with Milo W. Strong as to surrounding country. Affidavits, 3; interviews, 1.

Strong, Colo., Friday, Oct. 16, 1908.

Took following affidavits:

Primitiro Martinez, H. E. 12680, T. 27 S., R. 67 W. Good.

Charley Monroe in re H. E. 14563, T. 27 S., R. 67 W. Bad.

Sotero Garcia, H. E. 11332, T. 27 S., R. 68 W. Good.

Interviewed: Wife of Sotero Garcia; wife of B. S. Garcia; son of Francisco Ortega, all of Tioga, Colo., in re above entries. Affidavits, 3; interviews, 3.

Aguilar, Colo., Saturday, Oct. 17, 1908.

Took following affidavits before leaving Strong, Colo.: Bonifacio S. Garcia, H. E. 10339, T. 27 S., R. 68 W. Good. Francisco Ortega, in re H. E. 14563, T. 27 S., R. 67 W. Bad. Anicoto Archuleta, H. E. 11371, T. 27 S., R. 67 W. Good. Left Strong for Walsenburg, Colo., and arrived at Walsenburg, Colo., at 12.30 p. m. All Strong expenses paid by Hibbard. Left Walsenburg for Aguilar (Lynn), Colo., on C. & S. Ry. at 1.55 p. m. C. & S. Ry., fare, Walsenburg to Lynn, Colo., \$0.80. Arrived at Lynn, Colo., at 3 p. m. Took back to Aguilar, Colo., and arrived there at 3.30 p. m. Paid hackman \$0.25. Made arrangements to leave for country in surrey in morning.

Ranch of James L. Read, near Rouse, Colo., Sunday, Oct. 18, 1908.

Left Aguilar for country at 8 a. m. Hired team and surrey from George Jones, liveryman, Aguilar, Colo.; expenses for same paid by Mr. Hibbard, surveyor of mineral deposits, G. L. O. Dense fog all day. Arrived at Read's ranch at 3 p. m. Took affidavit of James L. Read, entryman, in H. E. 12264, Pueblo series, T. 30 S., 4593 R. 67 W. This affidavit to be signed and sworn to next day, this being Sunday.

Traveled about 20 miles through bad mountain road. Arranged to stay at Read's ranch for the night. Mr. Jones, liveryman, acted as driver. Read's H. E. improvements excellent. Coal land.

Trinidad, Colo., Monday, Oct. 19, 1908.

Had James L. Read sign and swear to his H. E. affidavit taken day before. Took affidavit of James L. Read, entryman in D. L. E. 404, Pueblo series, T. 30 S., R. 67 W. Went carefully over this D. L. E. to observe improvements. Improvements good, but water supply hardly permanent. See affidavit with report. Coal land. Left Read's ranch at 10.15 a. m. for ranch of Angelo Marignoni, entryman in H. E. 14672, Pueblo series, T. 30 S., R. 66 W. Examined this entry; bad; residence never established; improvements insufficient; coal land. Took affidavit of Joseph Pedersini in re above. Arrived at Aguilar 4.30 p. m.; left for Trinidad on C. & S. Ry. at 6.50 p. m. Paid for ticket \$0.90. Arrived at Trinidad, Colo., 7.45 p. m.

Ranch of James L. Scott, near Berwind, Colo., Tuesday, Oct. 20, 1908.

Recd. letter from Chief Field Division, Denver, Colo., directing immediate investigation in re James MacMain. Left for Scott's ranch, near Berwind, Colo., at 1 p. m. Could not get saddle horse sooner. Hired of Las Animas livery saddle horse



at rate of \$1.50 a day. Arrived at Scott's ranch 4 p. m. Interviewed Scott as to witnesses to false impersonation of James MacMain as "timber inspector," etc.

Ranch of Patrick Biene, near Berwind, Colo., Wednesday, Oct. 21, 1908.

Took affidavit of William L. Spencer, near Berwind, Colo., in re James MacMain. Interviewed Patrick Biene in same matter.

Examined T. T. on H. E.'s of Louis Biel, and Marion Bainbridge, near Berwind, Colo., and posted notices to stop trespasses. Spent night at Biene's ranch.

Trinidad, Colo., Thursday, Oct. 22, 1908.

Left Biene's ranch at 8 a. m. Heavy snow; bad roads. Examined T. T. on ranches of Germano Colontonio and Jionno Colontonio, near Berwind, Colo. Bad. Posted notices. Did not scale timber, however. Interviewed Fred Wellenreuther, Reilly Canon, near Berwind, Colo., in re T. T. in his vicinity. Complaints of many trespasses. Paid James L. Scott for keep of horse on night \$0.50. Arrived at Trinidad, Colo., at 7 p. m. Interviewed Messrs. Colontonio this date in re their T. T.

Aguilar, Colo., Friday, Oct. 23, 1908.

Left Trinidad for Lynn, Colo., on C. & S. Ry. at 1.30 p. m. Paid fare for this trip (round trip, Trinidad to Lynn, Colo., and return), \$1.20. Arrived at Lynn, Colo., at 2.15 p. m. Took hack to Aguilar, Colo.; fare, \$0.25. Arranged to leave for Hicks, Colo., in morning to interview G. L. Vasquez, one of principal witnesses in re James MacMain, false impersonation. Wrote letter to chief field division, Denver, Colo., in re T. T. about Berwind, Colo.

Ranch of Louis G. Vasquez, Hicks, Colo., Saturday, Oct. 24, 1908.

Left Aguilar for Hicks, Colo., at 7 a. m. Hired single buggy and team with driver from George Jones, liveryman, Aguilar, Colo., at rate of four dollars a day and expenses. Arrived at Hicks, Colo., at 11.35 a. m. Interviewed Vasquez, and Homer Potts, forest ranger, in re James McMains, false impersonation. Took affidavit of Vasquez in this matter; also affidavit of Mrs. Isaac J. Hartsoe, assistant postmistress, as to money sent through Hicks post-office by said McMains. Spent night at Hicks, Colo. Traveled 28 miles. Roads bad, due to snow.

Trinidad, Colorado, Sunday, Oct. 25, 1908:

Paid Louis G. Vasquez, Hicks, Colo., for keep of team from 12 m., Oct. 24, to 7.30 a. m., Oct. 25, 1908, \$1.00. Paid Mrs. Isaac J. Hartsoe, Hicks, Colo., for 3 meals and one night's lodging for driver, \$1.00. Left Hicks for Aguilar, Colo., at 7.30 a. m. in severe snow and wind storm; arrived at Aguilar at 11.35 a. m. Paid George Jones, liveryman, Aguilar, Colo., for team and single buggy, with driver, from Oct. 24, at 7 a. m., to Oct. 25, at 12 m., at rate of \$4.00 a day, 2½ days, \$6.00. Left on C. & S. Ry. for Trinidad, Colo., on return coupon of round-trip ticket, at 2.54 p. m.; arrived at Trinidad at 4 p. m. Paid Aguilar hackman for transfer from Aguilar to Lynn, Colo., which is Ry. station for Aguilar, \$0.25. Paid for transfer of self and baggage from Trinidad station to residence (about ¼ mile), \$0.50.

Trinidad, Colorado, Monday, Oct. 26, 1908.

Interviewed following persons in Trinidad, Colo., in re James McMains, false impersonation: Louis M. Kreeger, deputy sheriff, Las Animas County; J. F. Arthur, real estate broker, city. Took affidavit of Martin P. Menapace, Sopris, Colo., in above investigation. Arranged with Walter S. Lee, state inspector of cattle, for interview to-morrow.

Trinidad, Colo., Tuesday, Oct. 27, 1908.

Took affidavit of Louis M. Kreeger, under sheriff, Las Animas County, in re James McMains for false impersonation. Interviewed manager of J. C. Coulson Commission Company as to whereabouts of Henry Dehr. Interviewed Dr. B. M.

Cawley as to whereabouts of his brother Benjamin. Interviewed foreman C. & S. shops as to whereabouts of Bert Richey. Took affidavit of Arlington R. Wright in re nonmineral affidavits, T. 32 S., R. 64 and 65 W., and T. 33 S., R. 65 W.

Trinidad, Colo., Wednesday, Oct. 28, 1908.

Took affidavit of Walter S. Lee, state stock inspector, in re James McMains for false impersonation. Wrote two letters to chief field division in re James McMains and nonmineral affidavits, T. 32 S., R. 64 and 65 W., and T. 33 S., R. 65 W. Interviewed daughter of Chas. G. Swatzel, and made date for taking affidavit of latter in re nonmineral affidavits, as above. Letters, 2.

Trinidad, Colo., Thursday, October 29, 1908.

Spent most of day in office of county clerk and recorder examining records in re agreement regarding lands in T. 33 S., R. 65 W., made in 1901. Wrote chief field division concerning above.

Trinidad, Colo., Friday, October 30, 1908.

Spent day in town. Interviewed grandfather of C. G. Swatzell in re nonmineral affidavit of latter in T. 32 S., R. 64 and 65 W., and T. 33 S., R. 65 W., of W. E. Moses Co. Made out monthly report for Oct., 1908. Wrote letter to Mrs. Delia Davis, Ber-

wind, Colo., in re cutting timber off H. E. to exchange for lumber to make improvements.

Trinidad, Colo., Saturday, Oct. 31, 1908.

Spent day in town. Interviewed J. F. Arthur and J. Lawson Alford, both of Trinidad, Colo., as to the value of land for agricultural purposes in Las Animas County, Colo. Interviewed again grandfather of C. G. Swatzell, Trinidad, Colo. Assures me grandson will shortly call to make affidavit desired.

*Daily reports for November, 1908.*

[All signed "James M. Sheridan, special agent "']

Trinidad, Colo., Sunday, November 1, 1908.

Spent day in town. Took affidavit of Carl E. Fuller, in re his H. E. 13323, Pueblo series, and also as to his T. T. on same. To be sworn to and signed to-morrow. Took affidavit of Chas. I. Swatzell, Trinidad, Colo., in re his nonmineral affidavits in L. S. 13563, 13564, and 13566, Pueblo series, of the W. E. Moses Co.

Trinidad, Colo., Monday, November 2, 1908.

Made 4-480 report on H. E. 15000, Pueblo series, of Robert Templeman, secs. 23-24, T. 27 S., R. 68 W., coal land. Made informal adverse report on H. E. 14672, Pueblo series, of Angelo Marignoni; this to be held until affidavits are obtained. Interviewed Charles \_\_\_\_\_, Trinidad, Colo., concerning T. T-s near Berwind, Colo. Cases reported: Entries, bad, 2.

Trinidad, Colo., Tuesday, November 3, 1908.

Received instructions from Chief Field Div., Denver, Colo., to immediately visit Pueblo and Denver to obtain affidavits. Issued T. R. 4413 (\$3.65), A. T. & S. F. Ry., fare Trinidad to Pueblo, Colo. Bought Pullman sleeper, \$2.00. Left for Pueblo, Colo., at 8.10 p. m.

Denver, Colo. (Pueblo to Denver), Wednesday, November 4, 1908.

Arrived Pueblo, Colo., 6.15 a. m. Paid Pullman porter \$0.25. Took affidavit of Albert C. Richey, Pueblo, Colo., in re his nonmineral affidavit for lands in T. 32 S., R. 64 and 65 W., and T. 33 S., R. 65 W. Issued T. R. 4414 (\$3.55) fare C. & S. Ry. Pueblo, Colo., to Denver, Colo. Left Pueblo for Denver, Colo., at 2.55 p. m. Arrived in Denver, Colo., at 7 p. m.

Denver, Colo., Thursday, November 5, 1908.

Took affidavit of Henry Dehr, Denver, Colo., in re his nonmineral affidavits for L. S. 13511, 13512, and 13515, Pueblo, Colo. Spent part of day in conference with chief field division.

Denver, Colo., Friday, November 6, 1908.

Spent day writing supplemental report in re nonmineral affidavits in L. S. and S. A. A. in T. 32 S., R. 64 and 65 W., and T. 33 S., R. 65 W., Homer E. Brayton, atty. in fact.

Denver, Colo., Saturday, November 7, 1908.

Spent day writing supplemental report in re nonmineral affidavits in L. S. and S. A. A. in T. 32 S., R. 64 and 65 W., and T. 33 S., R. 65 W., Homer E. Brayton, atty. in fact.

Denver, Colo., Sunday, November 8, 1908.

Spent day in office chief field division copying affidavits to accompany supplemental report in re nonmineral affidavits for L. S. and S. A. A. in T. 32 S., R. 64 and 65 W., and T. 33 S., R. 65 W., Homer E. Brayton, atty. in fact.

4595 Pueblo, Colo., Monday, November 9, 1908.

Spent part of forenoon in office of chief field division, Denver, Colo., compiling data for field use and consulting on official business. Issued T. R. 4415 (\$3.55) fare C. & S. Ry., Denver to Pueblo, Colo. Left Denver 12.15 p. m. Arrived at Pueblo 4 p. m. Interviewed Homer E. Brayton, atty. at law, in re nonmineral affidavits made by him. Issued T. R. 4416 (\$2.25) fare C. & S. Ry., Pueblo to Walsenburg, Colo.; bought Pullman for same trip, \$2.00.

Pueblo, Colo., Monday, November 9, 1908.

Left Denver for Pueblo, Colo., at 12.15 p. m. Issued T. R. 4415 (\$3.55) fare on C. & S. Ry. from Denver to Pueblo, Colo. Arrived at Pueblo, Colo., at 4 p. m. Interviewed H. E. Brayton in re nonmineral affidavits made by him; he refused to make affidavit on this point. Issued T. R. 4416 (\$2.25) fare from Pueblo to Walsenburg, Colo.

Walsenburg, Colo., Tuesday, November 10, 1908.

Spent day in Huerfano County court-house. Attended final proofs: José E. Montoya, H. E. 13869, Pueblo series, T. 26 S., R. 67 W.; Julian Montoya, H. E. 13868, Pueblo series, T. 26 S., R. 67 W.; Marcial Galvez, H. E. 13539, Pueblo series, T. 26 S.,

R. 68 W. Took affidavits of Jose and Julian Montoya in re their H. E. proof, and sent same with proof. Arthur A. Foote, who was to make his H. E. proof this date, did not appear. Interviewed Frank M. Raeder, La Veta, Colo., in re H. E. of Arthur E. Foote.

Trinidad, Colo., Wednesday, November 11, 1908.

Spoke to chief Field Division, Denver, Colo., by telephone on official business, fee for 'phone, .90; called up M. S. Hibbard, Trinidad, Colo., twice by telephone on official business; 'phone fees .60. Examined title to some property of Big Four Coal & Coke Company at court-house of Huerfano County, Colo., by direction of chief Field Division. C. & S. Ry. fare, Walsenburg to Trinidad, Colo., \$1.65. Left Walsenburg for Trinidad, Colo., at 2 p. m. Arrived at Trinidad at 4 p. m.

Trinidad, Colo., Thursday, November 12, 1908.

Wrote chief Field Division in re Big Four title examined by me yesterday at Huerfano County court-house. Wrote H. E. Brayton in re nonmineral affidavits made by him for lands in T. 32 S., R. 64 and 65 W., and T. 33 S., R. 65 W. Wrote chief Field Division for instructions in re F. P. of Arthur A. Foote next Tuesday.

Trinidad, Colo., Friday, November 13, 1908.

Spent day in town. Interviewed chief of police of Trinidad, Colo., Luke Egan, in re land frauds in Las Animas County. Interviewed brother of B. B. Sipe; learned latter is in hospital with broken leg; will be out Monday, when I can obtain his affidavit in re nonmineral affidavit of Henry Dehr, Denver, Colo., in Brayton case. Interviewed J. F. Arthur in re false impersonation of James McMains, Berwind, Colo. Sent chief field division supplemental monthly report for October, 1908.

Trinidad, Colo., Saturday, November 14, 1908.

Spent day in town. Made favorable report on H. E. 15297, Pueblo series, of Joseph McStravick, Strong, Colo., T. 27 S., R. 67 W. Wrote H. E. Brayton, Pueblo, Colo., in re nonmineral affidavit for lands in T. 32 S., R. 64 and 65 W., and T. 33 S., R. 65 W. Interviewed three saloonkeepers in effort to locate Angelo Marignoni, entryman H. E. 14672, Pueblo series.

Trinidad, Colo., Sunday, November 15, 1908.

Spent day in town. Made 4-480 reports on H. E. 12264 and D. L. E. 404, Pueblo series, both of James Read, Rouse, Colo., in T. 30 S., R. 67 W. Coal land.

Trinidad, Colo., Monday, November 16, 1908.

Spent day in town. Wrote chief field division two letters in re homestead residence and stationery. Made favorable reports on H. E. 10339, Pueblo series, of Bonifacio S. Garcia, and H. E. 11332, Pueblo series, of Sotero Garcia, T. 27 S., R. 68 W., both of Tioga, Colo. Interviewed brother of B. B. Sipe, Trinidad, Colo.

Trinidad, Colo., Tuesday, November 17, 1908.

Spent day in town. Wrote chief field division in re correspondence with H. E. Brayton, Pueblo, Colo., about nonmineral affidavit, inclosed correspondence & copies. Made favorable report on H. E. 11371, Pueblo series, of Aniceto Archuleta, Strong, Colo. Took affidavit of B. B. Sipe, Trinidad, Colo., in re nonmineral affidavit, H. E. Brayton, atty. in fact. Copied affidavit of B. B. Sipe & sent original and copies to chief field division.

Trinidad, Colo., Wednesday, November 18, 1908.

Spent day in town. Interviewed James Scott, Berwind, Colo., in re T. T. of Colon-tonio Bros., near Berwind, Colo. Made 4-480 report on T. & S. ss. 231, Pueblo series, of Milo W. Strong, Strong, Colo., T. 27 S., R. 67 W., coal land. Made 4-480 report on H. E. 14563, Pueblo series, of Manuel A. Pacheco, Tioga, Colo., T. 27 S., R. 67 W.

One forty alienated. Made favorable report H. E. 12680, Pueblo series, of 4596 Primitivo Martinez, Strong, Colo., T. 27 S., R. 67 W. Wrote chief field division in re affidavit of B. B. Sipe.

Walsenburg, Colo., Thursday, November 19, 1908.

Spent forenoon in office of M. S. Hibbard, surveyor of mineral deposits, G. L. O., at Trinidad, Colo., compiling data for investigations to be made in San Luis Valley. Issued T. R. 4417 (\$5.50) D. & R. G. Ry. fare Trinidad to Alamosa, Colo.

Left Trinidad 1.15 p. m. Arrived Walsenburg at 4 p. m. Spent afternoon examining Huerfano County records in re A. A. Campbell and Manuel A. Pacheco.

Wrote M. S. Hibbard, surveyor of mineral deposits, G. L. O., results of examination in re A. A. Campbell, La Veta, Colo.

Alamosa, Colo., Friday, November 20, 1908.

Left Walsenburg for Alamosa, Colo., at 3.10 a. m. Arrived in Alamosa at 7.35 a. m. William Hansen absent in Wet Mountain Valley. No train for Antonito, Colo., until to-morrow. Interviewed Mrs. Wm. Hansen by 'phone as to whereabouts of her husband.

Antonito, Colo., Saturday, November 21, 1908.

Issued T. R. 4418 (\$1.45) fare Alamosa to Antonito, Colo., on D. & R. G. Ry. Left Alamosa at 9 a. m. Arrived at Antonito at 11.15 a. m. Interviewed Wm. H. Barlow in re H. E. 3410, Del Norte series, of Josefa Barela de Herrera. Interviewed W. F. McClure, ditto. Took statement of Wm. H. Barlow in re regulations of Forest Service setting out local complaints.

Antonito, Colo., Sunday, November 22, 1908.

Took affidavit of J. A. Garcia, Conejos, Colo., in re Josefa Barela de Herrera, H. E. 3410, Del Norte series, Osier, Colo. Hired single buggy and team from A. J. Lawton, Antonito, Colo., at rate of \$3.75 a day; had same from 9 a. m. to 10 a. m. and from 1 p. m. to 5.30 p. m., with driver, \$2.75. Drove to San Rafael, Conejos, and Guadalupe, Colo., in search of Amado Archuleta and Eulogio Quintana; interviewed same.

Alamosa, Colo., Monday, November 23, 1908.

Took affidavits of Amado Archuleta and Eulogio Quintana in re H. E. 3410, Del Norte series, of Josefa Barela de Herrera, Osier, Colo. Issued T. R. 4419 (\$1.45), fare D. & R. G. Ry., Antonito to Alamosa, Colo. Left Antonito at 6.35 p. m. Arrived at Alamosa at 7.45 p. m.

Alamosa, Colo., Tuesday, November 24, 1908.

Hired team and single buggy, with driver, from G. S. Ferguson, liveryman, Alamosa, Colo., at rate of \$4.00 a day; paid for same, \$4.00. Interviewed Wm. Hansen on his ranch, about 10 miles east of Alamosa. Left for Hansen's ranch, 10 a. m.; returned to Alamosa, 3.30 p. m. Interview with Hansen was about unlawful inclosures near San Louis Lakes. Hansen has no definite information. Drove 20 miles. No train for Del Norte until to-morrow morning.

Alamosa, Colo., Wednesday, November 25, 1908.

Issued T. R. 4420 (\$1.55) fare D. & R. G. Ry., Alamosa to Del Norte, Colo. Left Alamosa 10.15 a. m., arrived at Del Norte, Colo., 12.30 p. m. Spent afternoon in U. S. Land Office compiling data and plats of townships and ranges near San Louis Lakes, showing unentered govt. land. Issued T. R. 4421 (\$1.55) fare D. & R. G. Ry., Del Norte to Alamosa, Colo. Left Del Norte 6.10 p. m., arrived at Alamosa at 7.15 p. m.

Alamosa, Colo., Thursday, November 26, 1908.

Spent day in Alamosa. No train for Trinidad until 8 p. m. Issued T. R. 4422 (\$5.50) fare D. & R. G. Ry., Alamosa to Trinidad, Colo., and T. R. 4423 (\$1.50) Pullman sleeper same trip. Left Alamosa at 10.15 p. m. for Trinidad, Colo.

Alamosa, Colo., Thursday, November 26, 1908.

Spent day in Alamosa. No train for Trinidad, Colo., until 8 p. m. Issued T. R. 4422 (\$5.50), fare D. & R. G. Ry. Alamosa to Trinidad, Colo.; and T. R. 4423 (\$1.50) for Pullman sleeper, same trip. Left Alamosa for Trinidad, Colo., at 10.15 p. m.

Trinidad, Colo., Friday, November 27, 1908.

Arrived in Trinidad at 7 a. m. Made letter report on re-investigation of H. E. 4310, Del Norte series, of Josefa Barela de Herrera. Wrote letter to chief field division in re interview with Mr. F. P. Bayles, Supt. Cokedale Mine, Cokedale, Colo.

Trinidad, Colo., Saturday, November 28, 1908.

Mailed letter report and all papers in H. E. 4310, Del Norte series, of Josefa Barela de Herrera, to chief field division. Wrote Wm. Hansen, Alamosa, Colo., and Geo. Widman, Del Norte, Colo., in re unlawful inclosures near San Louis Lakes.

Wrote Commissioner, Wash., D. C., for book of transportation requests. Spent part of day preparing for hearings.

Trinidad, Colo., Sunday, November 29, 1908.

Spent day in town preparing for hearings to be held in few days. Worked especially on entries of John, Rosa, and Domenica Tarabino, T. & S. in T. 33 S., R. 65 W. 4597

Trinidad, Colo., Sunday, November 29, 1908.  
Spent day in town preparing for hearings on cases of John Rosa and Domenica Tarabino, to be held on Dec. 2, 1908.

Trinidad, Colo., Monday, November 30, 1908.

Spent day preparing for hearings to be held Dec. 2, 1908. Wrote Mr. Read, office chief field division, inclosing monthly account for Nov., 1908. Wrote Frank Raeder, La Veta, Colo., in re fraudulent entries thereabouts. Wrote chief field division in re Frank N. Raeder, La Veta, Colo. Wrote R. & R., Pueblo, Colo., for plats.

*Daily reports for December, 1908.*

[All signed "James M. Sheridan, special agent."]

Trinidad, Colo., Tuesday, Dec. 1, 1908.

Spent day in town. Sent telegram to Chief Field Div., in re Tarabino cases, \$0.20; telephoned Chief Field Division in re Tarabino cases (reverse charge). Telephoned Atty. Chas. Hayden, Walsenburg, Colo., in re Tarabino cases, \$0.30. Interviewed

clerk Dist. Court in re Tarabino cases. Tarabino cases postponed to January, 1909. Wrote Chief Field Division in re conversation with Chas. Hayden.

Trinidad, Colo., Wednesday, Dec. 2, 1908.

Wrote Supts. of Piedmont, Frederick, Hastings, and Cokedale Coal Mines on price and relative values of spruce, pine, and piñon mine props and ties. Wrote Chief Field Division in re testimony of M. O. Danford, expert for claimants in this district on geology, and in re Juanita Martinez, Conejos, Colo., unfair treatment by Forestry Dept. officials. Interviewed Atty. A. Hollenbeck in re alleged expert called by various parties in Govt. contests.

Trinidad, Colo., Thursday, Dec. 3, 1908.

Interviewed Atty. A. Hollenbeck relative to witnesses on value of piñon timber; Mr. Gow, ditto; Mr. Max Taxorya, ditto.

Denver, Colo., Friday, Dec. 4, 1908.

Spent forenoon in office in Trinidad, Colo., preparing data for future hearings. Issued T. R. 4424 (\$7.20), fare C. & S. Ry. Trinidad, Colo., to Denver, Colo.; left Trinidad 1.30 p. m., arrived at Denver at 8.30 p. m. Paid for Pullman chair for above trip, \$1.00.

Denver, Colo., Saturday, Dec. 5, 1908.

Spent day in office chief field division reading reports and studying regulations relative to manner of conducting hearings.

Denver, Colo., Sunday, Dec. 6, 1908.

Spent part of day in office of chief field division, receiving instructions and reading reports relative to hearings.

Denver, Colo., Monday, Dec. 7, 1908.

Spent day in office chief field division, studying regulations and receiving instructions relative to hearings to be held next month. Issued T. B. 4425 (\$7.20) C. & S. Ry., fare, Denver to Trinidad, Colo.

Pueblo, Colo., Tuesday, Dec. 8, 1908.

Left Denver 8 a. m.; arrived Pueblo, Colo., about 1 p. m. Spent afternoon in office of R. & R. compiling data. No train for Trinidad until 11.55 to-morrow.

Trinidad, Colo., Wednesday, Dec. 9, 1908.

Left Pueblo 11.55 a. m.; arrived Trinidad, Colo., 4 p. m. Spent evening in office. Wrote E. H. Weitzel, manager fuel dept., C. F. & I. Co. in re relative value of mine timbers.

Trinidad, Colo., Thursday, Dec. 10, 1908.

Spent day in town. Wrote R. & R., Del Norte, Colo., in re heirs of Josefa Barela de Herrera. Wrote Commissioner, G. L. O., in re testy. of experts. Interviewed Max Tafoya in re timber witnesses. Interviewed dist. attorney in re Colorado Code as to certified copies of letters as evidence.

Scott's ranch, near Berwind, Colo., Friday, Dec. 11, 1908.

Spent forenoon in Trinidad, preparing for field investigations. Hired saddle horse from Brown and McRorey, livery, Trinidad, Colo., at rate of \$1.50 a day, not including expenses. Left Trinidad at 1 p. m. Arrived at Scott's ranch about 4 p. m. Interviewed James Scott as to whereabouts of entrymen to be investigated in T. 32 S., R. 65 W. Traveled 20 miles.

Scott's ranch, near Berwind, Colo., Saturday, Dec. 12, 1908.

Left ranch for Berwind at 7 a. m. Interviewed Supt. Berwind Mine; went to Tobasco mine and interviewed Joseph Cox, justice of peace; went to Coal Canon Mine and interviewed foreman of mine; all as to whereabouts of Colondone Bros. Took affidavit of Marion E. Bainbridge in re his H. E. 13357, Pueblo series; interviewed Daniel Schultz and James Scott in re Bainbridge. Returned to Scott's ranch at 7 p. m.

4598 Scott's ranch, near Berwind, Colo., Sunday, December 13, 1908.

Left ranch at 7 a. m. Took affidavits of Germano Colondone, entryman H. E. 12976, Pueblo series, and Giovanni Colondone, entryman H. E. 13995, Pueblo series; listed improvements on H. E. 12703, 12699, and 14549, Pueblo series, of entryman Carmel Golasso, Francesco Tamborello, and Salvatore Salito, respectively. Interviewed Daniel Schultz in re above. Returned to Scott's ranch at 6.35 p. m.

In field in Trinidad, Colo., Monday, Dec. 14, 1908.

Left Scott's ranch at 7 a. m. Interviewed Wm. Grey and James F. Albertson. Examined improvements on H. E. 13716, Pueblo series; interviewed Fred Wellenreathes; both interviews in re H. E. 13716, Pueblo series, of Marina Garcia. Took affidavit of Francesco Tamborello, entryman H. E. 12699, Pueblo series; arrived at Trinidad, Colo., 5.15 p. m.

Trinidad, Colo., Tuesday, Dec. 15, 1908.

Took affidavit of Frank E. Griswold, entryman T. & S. ss. 239, Pueblo series. Interviewed A. J. Patrick and Mrs. Salvatori Salito; interviewed Mrs. Loomis, all in re

H. E. 14549 and H. E. 13716, Pueblo series. Tried to reach Salvatori Salito by phone at Frederick mine; unsuccessful. Wrote Edward Davis, Weston, Colo., in re value of timber hereabouts. Letter, 1.

Trinidad, Colo., Wednesday, Dec. 16, 1908.

Interviewed Jesus Garcia, Sopris, Colo., by phone. Fee plus messenger service, \$0.20. Interviewed Mrs. Wm. Hunn by phone as to whereabouts of Wm. Hunn. Took affidavits of Mrs. Josie Compton, wife of James Compton, entryman H. E. 12429, Pueblo series, and Marina Garcia, entrywoman H. E. 13716, Pueblo series. Issued T. R. 4426 (\$7.20) A. T. & S. F. Ry., fare Trinidad to Denver, and T. R. 4427 (\$2.00) Pullman berth same trip, issuing latter to Pullman conductor on A. T. & S. F. Ry. Left for Denver, Colo., at 8.10 p. m.

Denver, Colo., Thursday, Dec. 17, 1908.

Arrived in Denver 11.50 a. m. Spent day in office Chief Field Div. copying affidavits in entries in T. 32 S., R. 65 W., and consulting with Chief Field Division.

Denver, Colo., Friday, Dec. 18, 1908.

Spent day in office Chief Field Division copying affidavits in entries in T. 32 S., R. 65 W.

Headquarters, Denver, Colo., Saturday, Dec. 19, 1908.

Spent day in office Chief Field Division copying affidavits in entries in T. 32 S., R. 65 W.

Headquarters, Denver, Colo., Tuesday, Dec. 20, 1908:

Spent part of day in office of Chief Field Division, G. L. O., reading land decisions bearing on hearings and rules of evidence in conducting same.

Denver, Colo., Dec. 21 to 27 incl., 1908.

On sick leave covering above dates; operation on nose; application for 7 days sick leave, accompanied by physician's certificate forwarded.

Denver, Colo., Monday, Dec. 28, 1908.

Resumed work 8.30 a. m. Spent day in office State Inspector of Coal Mines, compiling data for hearings.

Denver, Colo., Tuesday, Dec. 29, 1908.

Spent day in office of chief field division compiling data, reading Land Decisions, and receiving instructions on hearings.

Denver, Colo., Wednesday, Dec. 30, 1908.

Spent day in office of chief field division and office of U. S. Dist. Atty. preparing for hearings. Issued T. R. 17753 (\$7.20) fare C. & S. Ry., Denver to Trinidad, Colo., also T. R. 17754 (\$2.00) Pullman berth for same trip. Left Denver for Trinidad, Colo., at 7.40 p. m.

Trinidad, Colo., Thursday, Dec. 31, 1908.

Arrived Trinidad, Colo., 8 a. m. Paid Pullman porter \$0.25. Wrote two letters to chief field division in re Mrs. Martinez, H. E. in San Juan Forest Reserve, and asking or blank subpoenas.

#### *Daily reports for January, 1909.*

[All signed "James M. Sheridan, special agent."]

Trinidad, Colo., January 1, 1909.

Spent day in office of surveyor of mineral deposits working on cases on which hearings are to be had on Jan. 5, and preparing witnesses. Took affidavit of Salvatore Salito in his H. E. 14549, Pueblo series, T. 32 S., R. 65 W.

Trinidad, Colo., Saturday, Jan. 2, 1909.

Spent day in office of surveyor of mineral deposits preparing for hearings and going over cases with witnesses to be called.

4599 Trinidad, Colo., Sunday, Jan. 3, 1909.

Spent day in office preparing for hearings and interviewing witnesses. Wrote postmaster, Forbes, Colo., inclosing subpoenas to be called on witnesses (three) for Santa Fe Pacific Ry. L. S. hearings set for Jan. 7.

Trinidad, Colo., Monday, Jan. 4, 1909.

Hired team and single buggy of Brown & McRorey livery, Trinidad, Colo., at rate of \$4.00 a day, not including expense. Had same from 9 a. m. to 1.30 p. m. Drove to Piedmont and Cokedale coal mines to serve subpoenas on witnesses. Spent afternoon in office preparing for hearings. Wrote chief field division for timber cruiser.

Trinidad, Colo., Tuesday, Jan. 5, 1909.

Spent forenoon in office, counsel for hearings not arriving until noon. Commenced hearing in consolidated case of E. Earl Cooley, Moses Jackson, Pablo Martinez (hereafter to be known as Pablo Martinez et al.). Adjourned at 5 p. m. Wrote chief field division, Denver, Colo., for subpoenas and requesting instructions.

Trinidad, Colo., Wednesday, Jan. 6, 1909.

Spent day in county court-house attending hearing in case of Pablo Martinez et al., consisting of three T. & S. entries. Adjourned at 5 p. m.

Trinidad, Colo., Thursday, Jan. 7, 1909.

Spent day in county court-house attending hearing in case of Pablo Martinez et al., consisting of three T. & S. entries. Adjourned at 5 p. m.

Trinidad, Colo., Friday, Jan. 8, 1909.

Spent forenoon in county court-house attending hearing in case of Pablo Martinez et al., consisting of three T. & S. entries. Adjourned at noon until Monday at 1 p. m., so as to have time to prepare and introduce a most important exhibit and to obtain two more material witnesses.

Trinidad, Colo., Saturday, Jan. 9, 1909.

Spent day in office of county treasurer learning extent of lands on which coal companies have paid taxes and are assessed in Las Animas County, for purpose of making exhibit (map) to be introduced Monday, Jan. 11, in case of Pablo Martinez et al. Interviewed chief field division, Denver, Colo., by phone in rehearings.

Trinidad, Colo., Sunday, Jan. 10, 1909.

Spent day in county treasurer's office compiling data for exhibit in case of Pablo Martinez et al.; object: To show extent of holdings of various coal companies within coal outcrop lines in Las Animas County.

Walsenburg, Colo., Monday, Jan. 11, 1909.

Spent forenoon in Trinidad compiling data for hearings and subpoenaing witnesses. Issued T. R. 17755 (\$3.00) round trip, C. & S. Ry., Trinidad to Walsenburg & return. Left Trinidad, 1:30 p. m. Arrived Walsenburg, 3 p. m., to conduct hearing in U. S. vs. Joe E. Diez. Diez defaulted. Transfer baggage and self from house to station, \$0.50. Pullman chair to Walsenburg from Trinidad, \$0.25.

Trinidad, Colo., Tuesday, Jan. 12, 1909.

Left Walsenburg 8:30 a. m. Arrived at Trinidad 10:30 a. m. Paid for Pullman chair, Walsenburg to Trinidad, \$0.25. Transfer self and baggage to office, \$0.25. Spent afternoon in court-house conducting hearing in U. S. vs. Pablo Martinez et al. Adjourned at 5 p. m.

Trinidad, Colo., Wednesday, January 13, 1909.

Spent day in court-house conducting hearing in U. S. vs. Pablo Martinez et al. Adjourned at 3 p. m., my last witness being unable to be ready to go on stand until 9 a. m. to-morrow morning, due to necessity for time to prepare tabulated statements showing acreage assessed to various coal companies in Las Animas County, 1907-1908. Wrote Chief Field Division, G. L. O., four letters on official business.

Trinidad, Colo., Thursday, January 14, 1909.

Spent day at county court-house conducting hearing in case of Pablo Martinez et al. (U. S. vs.). Adjourned at 5 p. m.

Trinidad, Colo., Friday, January 15, 1909.

Spent day at county court-house conducting hearing in case of U. S. vs. Pablo Martinez et al. Adjourned at 5:30 p. m.

Trinidad, Colo., Saturday, Jan. 16, 1909.

Spent forenoon in county court-house conducting hearing in case of U. S. vs. Pablo Martinez et al. Adjourned at 12 m. until Monday at 9 a. m. at request of Atty. Dugan.

Trinidad, Colo., Sunday, Jan. 17, 1909.

Spent day in office of M. S. Hibbard preparing for Monday's cross-exam. Wrote R. & R. Pueblo, Colo., for subpoenas. Letters, 1.

Trinidad, Colo., Monday, Jan. 18, 1909.

Spent day in county court-house conducting hearing in case of U. S. vs. Pablo Martinez et al. Adjourned at 5 p. m. Interviewed Price Dunlavy, Dr. J. B. Hershey,

W. S. Keeney, Atty. A. F. Hollenbeck, ex-Sheriff O. T. Clark, and John Dolan 4600 with view to impeaching Tipton D. Mitchell, witness for contestees in case of U. S. vs. Pablo Martinez et al. Interviews, 6.

Trinidad, Colo., Tuesday, Jan. 19, 1909.

Spent day at county court-house conducting hearing in case of U. S. vs. Pablo Martinez et al. Adjourned at 5 p. m. Wrote chief field division in re conditions.

Trinidad, Colo., Wednesday, Jan. 20, 1909.

Spent day at county court-house conducting hearing in case of U. S. vs. Pablo Martinez et al. Adjourned at 5 p. m.

Trinidad, Colo., Thursday, Jan. 21, 1909.

Spent day in county court-house conducting hearings in case of U. S. vs. Pablo Martinez et al. Adjourned at 4:30 p. m. at request of counsel for contestees.

Trinidad, Colo., Friday, Jan. 22, 1909.

Spent day in county court-house conducting hearings in case of U. S. vs. Pablo Martinez et al. Adjourned at 5 p. m. Wrote chief field division in re D. M. Simpson and D. A. Chappell. Letter, 1.

Trinidad, Colo., Saturday, Jan. 23, 1909.

Spent forenoon in county court-house conducting hearing in case of U. S. vs. Pablo Martinez et al. Adjourned at 12 m., at request of Mr. Dugan, atty. for contestees. Wrote county assessor and county treasurer, Huerfano County, Colo., in re lands held by coal cos. in said county. Letters, 2.

Trinidad, Colo., Sunday, Jan. 24, 1909.

Spent day in office preparing for hearings on Monday in case of U. S. vs. Pablo Martinez et al. Wrote chief field division in re hearings. Letter, 1.

Trinidad, Colo., Monday, January 25, 1909.

Spent day in county court-house conducting hearings in case of U. S. vs. Pablo Martinez et al. Adjourned at 5 p. m. Wrote postmaster, Berwind, Colo., inclosing mail for H. H. Schwartz, timber cruiser, G. L. O.; 1 letter.

Trinidad, Colo., Tuesday, January 26, 1909.

Spent day in county court-house conducting hearings in case of U. S. vs. Pablo Martinez et al. Adjourned at 5 p. m.

Trinidad, Colo., Wednesday, January 27, 1909.

Spent day in court-house conducting hearings in case of U. S. vs. Pablo Martinez et al. Adjourned at 5 p. m.

Trinidad, Colo., Thursday, January 28, 1909.

Spent day in county court-house conducting hearings in case of U. S. vs. Pablo Martinez et al. Adjourned at 5 p. m.

Trinidad, Colo., Friday, Jan. 29, 1909.

Spent day in county court-house conducting hearings in case of U. S. vs. Pablo Martinez et al. Adjourned at 5 p. m.

Trinidad, Colo., Saturday, Jan. 30, 1909.

Spent forenoon in county court-house conducting hearings in case of U. S. vs. Pablo Martinez et al. Adjourned at noon at request of Atty. Hendershot, counsel for contestees.

Interviewed parties for purpose of impeaching witnesses of contestees. Interviews, 4.

Trinidad, Colo., Sunday, Jan. 31, 1909.

Spent day in office making out monthly report and preparing for Monday's hearings in case of U. S. vs. Pablo Martinez et al.

#### *Daily reports for February, 1909.*

[All signed "James M. Sheridan, special agent."]

Trinidad, Colo., Monday, February 1, 1909.

Spent day in county court-house conducting hearings in case of U. S. vs. Pablo Martinez et al. Adjourned at 5 p. m. Wrote county surveyor, Conejos County, Colo., on official business.

Trinidad, Colo., Tuesday, February 2, 1909.

Spent day in county court-house conducting hearings in case of U. S. vs. Pablo Martinez et al. Adjourned at 5 p. m. Wrote Chief Field Div. on official business.

Trinidad, Colo., Wednesday, February 3, 1909.

Spent day in county court-house conducting hearings in case of U. S. vs. Pablo Martinez et al. Adjourned at 3 p. m. to enable Atty. Hendershot to secure presence of Pablo Martinez tomorrow at 9 a. m. Interviews, 2.

Trinidad, Colo., Thursday, February 4, 1909.

Spent day at county court-house conducting hearings in case of U. S. vs. Pablo Martinez et al. Adjourned at 5 p. m.

4601 Trinidad, Colo., Friday, February 5, 1909.

Spent day in county court-house conducting hearings in case of U. S. vs. Pablo Martinez et al. Adjourned at 5 p. m.

Trinidad, Colo., Saturday, February 6, 1909.

Spent day in county court-house conducting hearings in case of U. S. vs. Pablo Martinez et al. Adjourned at 12 m., at which time case was closed locally.

Trinidad, Colo., Sunday, February 7, 1909.

Spent day in office preparing for hearings in case of U. S. vs. Wm. Littlefield. Wrote two letters to Chief Field Division acknowledging receipt of Gov. Shafroth's certificate of D. M. Simpson's official record as state coal mine inspector, and for copies of Chronicle-News of Trinidad, Colo., for years 1894 and 1900 relative to D. M. Simpson and T. D. Mitchell, witnesses for contestees.

Trinidad, Colo., Monday, February 8, 1909.

Spent day in court-house (county) conducting hearing in case of U. S. vs. Wm. Littlefield and James Cassidy, interveners. Completed same this date. Adjourned at 4 p. m. to enable M. S. Hibbard to complete exhibits for next hearings. Wrote Chief Field Division in re Littlefield-Cassidy hearing.



Trinidad, Colo., Tuesday, February 9, 1909.

Spent day in county court-house conducting hearings in case of *U. S. vs. Juana C. Mondragon*. Adjourned at 3 p. m. at my request, as evidence suddenly developed that a prominent Mexican in locality is in all likelihood the beneficiary; insisted on going no further until this witness can be had. Promises to be in court to-morrow morning at 9 a. m.

Trinidad, Colo., Wednesday, February 10, 1909.

Spent forenoon at county court-house conducting hearing in case of *U. S. vs. Juana C. Mondragon*. Completed same at 11 a. m. All hearings adjourned for two weeks by order of chief, field division, to enable surveyor of mineral deposits to visit Wyoming on official business. At 1.30 p. m. met Atty. Dugan at court-house and signed stipulation for initialing of stenographic notes and attaching same to record of each case.

Trinidad, Colo., Thursday, February 11, 1909.

Spent day in office making out witness accounts in cases of *U. S. vs. Cooley et al.*; *U. S. vs. Wm. Littlefield*, James Cassidy, intervener; and *U. S. vs. Juana C. Mondragon*. Assisted Special Agent Kelly in investigating Las Anamas County treasurer's records; also assessor's.

Trinidad, Colo., Friday, February 12, 1909.

Spent day in town. Interviewed Jonah Moore in re fraudulent entry of lands by D. M. Simpson for Victor Fuel Co. in Las Animas County. Visited office of county treasurer to investigate tax sale purchases in this county by Wm. G. Plested, clerk of district court. Purchases by him very extensive. Suspect he is agent of coal companies. Will investigate further. Interviewed John T. Cullom in re D. M. Simpson.

Walsenburg, Colo., Saturday, February 13, 1909.

Spent forenoon at Trinidad. Interviewed John T. Cullom in re D. M. Simpson. Issued T. R. 17756 (\$3.00) round trip ticket Trinidad to Walsenburg, Colo., and return. Left on C. & S. Ry. for Walsenburg at 1.30 p. m. Arrived Walsenburg 3 p. m. Spent afternoon compiling data at Huerfano County court-house.

Walsenburg, Colo., Sunday, February 14, 1909.

Interviewed J. C. Cowan, Paul Frohlich, and Alex Levy, all of Walsenburg, Colo., in re Joseph Miskiel and Gustavus A. Goemmer entries.

Walsenburg, Colo., Monday, February 15, 1909.

Spent day in offices of county clerk and recorder, county treasurer, and county assessor compiling data. Took affidavit of Joseph Miskiel in re his H. E. Interviewed Fred G. McHarg in re Miskiel & Goemmer entries.

Trinidad, Colo., Tuesday, February 16, 1909.

Left Walsenburg for Trinidad, C. & S. Ry., 6.30 a. m. Arrived at Trinidad 9.15 a. m. Wrote three letters to chief field div. in re Miskiel & Goemmer cases. Took affidavit of John T. Cullom in re fraudulent entries of land by Victor Fuel Co. Interviewed supt. American Smelting & Refining Co.'s Cokedale plant, who called on me in re timber trespass.

Trinidad, Colo., Wednesday, February 17, 1909.

Spent day studying Lee-Benedict lien selection case with view to reopening same to set aside patents.

Trinidad, Colo., Thursday, February 18, 1909.

Spent day studying Lee-Benedict lien selection case. Issued T. R. 17757 (\$13.00), round trip Trinidad to Denver, Colo., & return, A. T. & S. F. Ry.; also T. R. 17758 (\$2.00), Pullman berth same trip. Left Trinidad 8.10 p. m.

4602 Denver, Colo., Headquarters in Field, Friday, February 19, 1909.

Arrived Denver 10 a. m. Spent day in office chief field div. conferring with Mr. McEniry in re hearings. Also conferred with asst. U. S. dist. atty. in re Goemmer & Miskiel cases.

Denver, Colo., Field Headquarters, Friday, February 19, 1909 (supplemental report):

Arrived at Denver 10 a. m. Spent day in office chief field division conferring with chief on hearings. Also conferred with asst. U. S. dist. attorney in re Goemmer and Miskiel cases. Paid Pullman porter tip, \$0.25.

Denver, Colo., Field Headquarters, Saturday, February 20, 1909.

Spent day in office conferring with chief field div. in re hearings.

Denver, Colo., Field Headquarters, Sunday, February 21, 1909.

Spent part of day in office. Wrote Messrs. P. J. Dugan and C. A. Hendershot, atty's for contestees, in re hearings.

Denver, Colo., Field Headquarters, Monday, February 22, 1909.

Spent day in office chief field division reading land decisions and consulting chief. Had interview with asst. U. S. dist. atty. in re official business. Issued T. R. 17759 (\$2.00), Pullman sleeper Denver to Trinidad, A. T. & S. F. Ry. Cancelled same, due to storm.

Walsenburg, Colo., Tuesday, February 23, 1909.

Left Denver on C. & S. Ry. at 8 a. m. on T. R. 17760; (\$5.80) fare Denver to Walsenburg, Colo., on C. & S. Ry. Turned in return coupon A., T. & S. F. Ry., issued on T. R. 17757, Feb. 18, 1909, for refund, this line not touching Walsenburg, and visit being imperative. Left Denver 8 a. m.; arrived Walsenburg 3.15 p. m.

Trinidad, Colo., Wednesday, February 24, 1909.

Left Walsenburg on C. & S. Ry. 6.30 a. m., issuing T. R. 1776; (\$1.65) fare Walsenburg to Trinidad, Colo. Arrived Trinidad 8 a. m. Wrote F. P. Baylis, Supt. Coke-dale mine, acknowledging his letter of 19th inst. Wrote chief field division in re Baylis letter. Wrote Asst. U. S. Dist. Atty. in re Goemmer & Miskiel cases. Continued reading Hendershot records. Hearings can not be resumed until March 4th, due to absence.

Trinidad, Colo., Thursday, February 25, 1909.

Issued T. R. 17762 (\$3.60) for three round trips Trinidad to Lynn, Colo., for self, Special Agent Anderson, and Timber Cruiser Schwartz. Accompanied them as interpreter in taking affidavits. Left Trinidad 9.05 a. m.; arrived Lynn 10.15 a. m. Accompanied Anderson & Schwartz to Gulnare, Colo., in buggy. Expenses paid by Anderson. Returned to Trinidad on freight 7 p. m.

Trinidad, Colo., Friday, February 26, 1909.

Spent day in town. Wrote two letters to C. F. Read, 522 Quincy Bldg., Denver, Colo., in re receipt Hendershot copy books & return coupon A. T. & S. F. Ry. on T. R. 17767 (\$13.00) issued Feb. 19, 1909. Issued T. R. 17763 (\$3.00), care C. & S. Ry., Trinidad to Walsenburg, Colo., & return, for use of H. H. Schwartz, Timber Cruiser, G. L. O. Continued reading Hendershot records for use in hearings.

Trinidad, Colo., Saturday, February 27, 1909.

Issued T. R. 17764 (\$1.55) care A. T. & S. F. Ry. round trip Trinidad, Colo., to Raton, New Mexico. Left Trinidad 8.10 a. m. Arrived Raton 10 a. m. Interviewed Hugo Seaberg, atty. at law, scrip broker. Left Raton 5 p. m. Arrived Trinidad 6.30 p. m.

Trinidad, Colo., Sunday, February 28, 1909.

Spent day in office making out monthly account. Interviewed Harry McIntosh in re D. A. Chappell and D. M. Simpson & their connection with fraudulent entry of public lands. Continued reading of Hendershot records.

### *Daily reports for March, 1909.*

[All signed "James M. Sheridan, special agent."]

Trinidad, Colo., Monday, March 1, 1909.

Issued T. R. 17765 (\$3.00), round trip C. & S. Ry., Trinidad to Walsenburg, Colo. Left Trinidad 9 a. m. Arrived Walsenburg 11 a. m. Interviewed postmaster and county treasurer in re James Rector. Left Walsenburg 2.15 p. m. Arrived Trinidad 4 p. m. Wrote chief field division in re James Rector, wrote R. & R., Pueblo, Colo., on official business.

Trinidad, Colo., Tuesday, March 2, 1909.

Spent day in town. Continued reading Hendershot reports. Made out witness vouchers in case of U. S. vs. Cooley et al. Interviewed Martin Menapace in timber trespasses in Reilly Canyon.

4603 Trinidad, Colo., Wednesday, March 3, 1909.

Spent day reading Hendershot reports and digesting same for hearings. Telephoned Joseph Cox, Midway, Colo., for his mine supt. & bosses as our witnesses in case of U. S. vs. Santa Fe Pacific R. R. Fee \$0.40. (Paid to Colo. Telephone Co., agt., Trinidad, Colo.)

Trinidad, Colo., Thursday, March 4, 1909.

Begun hearing in case of U. S. vs. Santa Fe Pacific R. R. Co., Victor Fuel Co. transferee, at 9 a. m. Adjourned at 5 p. m.

Wrote Commissioner G. L. O. in re review of case of U. S. vs. Cooley et al.

Trinidad, Colo., Friday, March 5, 1909.

Spent day in county court-house conducting hearing in case of U. S. vs. Santa Fe Pacific R. R. Co. et al. Begun 9 a. m. Adjourned 3 p. m., our witnesses not being available. Wrote chief field division in re hearings in cases of U. S. vs. John Schmidt and Luis Baca.

Trinidad, Colo., Saturday, March 6, 1909.

Resumed hearing in case of U. S. vs. Santa Fe Pacific R. R. Co. et al., at 9 a. m. Adjourned at 11 p. m. until Monday at 1.30 p. m., Mr. Dugan, atty. for contestees, being unable to be present sooner. Spent afternoon in office preparing evidence for hearings.

Trinidad, Colo., Sunday, March 7, 1909.

Spent day in office making digest of Hendershot reports for use in hearings. Wrote R. & R. Pueblo, Colo., in re postponement of cases of U. S. vs. Vincent Porpiecbala and nine others, set for March 10th to 15th, inclusive, at Trinidad, Colo., also wrote chief field div. in re Model Land & Irrigation Company; also in re duplication of cases. Phoned Atty. Hendershot to attend hearings Monday as witness. Phone fee, \$0.35.

Trinidad, Colo., Monday, March 8, 1909.

Spent morning preparing data for hearing. Present in court-house at 1.30 p. m. At 2 p. m. recd. message by phone from Pueblo that Atty. Dugan was sick in bed; thought he could be present in two days. Hearing adjourned accordingly. Interviewed Forest Ranger Homer Potts in re forest hearings and final proofs. Spent rest of afternoon in office.

Trinidad, Colo., Tuesday, March 9, 1909.

Spent day in town. Made out vouchers for witnesses in case of U. S. vs. Santa Fe Pacific R. R. Co. Rec'd phone message from Atty. Dugan, Pueblo, Colo., advising would be present 1.30 p. m. to-morrow. Phoned Atty. Hendershot, Walsenburg, Colo., to be present as witness; fee, \$0.30. Interviewed Dist. Atty. McHendrie in re Model Land and Irrigation Co.; ditto Atty. Tipton, in re U. S. vs. Robt. Girling hearing.

Trinidad, Colo., Wednesday, March 10, 1909.

Attended final proof, conducting same at county court house for Forest Ranger Homer E. Potts, H. E. 12493 of Angus W. Herlyck, Gulnare, Colo. W. C. Hun, witness for Government in U. S. v. Santa Pacific Ry., unable to be present until to-morrow. On account of telegram advising of brother's serious illness, all hearings suspended. Left for headquarters, Denver, Colo., 8.10 p. m.; issued T. R. 17768 to A., T & S. F. R. R., Trinidad to Denver, Colo. (\$7.20). Also issued T. R. 17769 on Pullman Co. for berth, Trinidad to Denver (\$2.00).

Denver, Colo., March 11, 1909.

Arrived in Denver, Colo., 10.40 a. m.; secured leave of absence on account of serious illness of brother. On leave of absence  $\frac{1}{2}$  of above from Mar. 11th to Mar. 20th, incl.

March 11 to 20, inclusive, 1909.

Special Agent James M. Sheridan on leave covering Mar. 11 to 20, incl. Application therefor mailed chief clerk Mar. 31.

Denver, Colo., Sunday, March 21, 1909.

At office of chief in forenoon looking over papers in cases U. S. v. J. W. Proffitt and U. S. v. Ensequito Quintana preparatory to conducting hearings at Saguache and Conejos, Colorado. Phone message to Atty. P. J. Dugan, Pueblo, Colo., re hearing case U. S. v. Santa Fe Pac. R. R.—Victor Fuel Co., 60¢, charged to Chief McEniry.

Issued T. R. 17770 (\$8.40) fare D. & R. G., Denver to Moffit, Colo.; also T. R. 17771 (\$2.00) Pullman same trip. Left Denver at 9 p. m. to conduct hearing at Saguache, Colo.

Saguache, Colo., Monday, March 22, 1909.

Arrived Moffat, Colo., 3.40 p. m. Took stage of Jute Lawrence, Saguache, Colo., from Moffat to Saguache, Colo.; round-trip fare (\$2.50). Interviewed Mr. Eugene Williams, forest supervisor, Saguache, Colo., in re hearing to be held next day.

Saguache is 18 miles from Moffat.

4604 Saguache, Colo., Tuesday, March 23, 1909.

Interviewed three attys. None admitted to land office practice. John W. Proffitt, contestee, wanted atty., but none qualified to be found. No stenographer in town. County clerk, before whom hearing was ordered, sick in bed. Phone Denver for instructions. Hearing adjourned until April 22, 1909. Phone fee reversed on Denver.

No train for Conejos until tomorrow. Interviews, 3.

Alamogosa, Colo., Wednesday, March 24, 1909.

Left Saguache for Moffat, Colo., on Jute Lawrence hack, at 6.30 a. m. Arrived Moffat, 9 a. m. Left Moffat on D. & R. G. at 4.10 p. m. Issued T. R. for this trip 17772 (\$3.35), fare Moffat to Antonito, Colo. Arrived Alamogosa, Colo., 7.30 p. m. No train to Antonito until morning.

Antonito, Colo., Thursday, March 25, 1909.

Left Alamogosa at 7 a. m. Arrived Antonito 8.10 a. m. Hired buggy and team to go to Conejos, Colo., to conduct hearing in case of Eusequio Quintana, Rio Grande Forest Reserve. Team and buggy rate \$0.50 round trip. Conejos  $\frac{1}{2}$  mile from Antonito. Made two trips during day, \$1.00. Made one trip (one way) to residence of county surveyor, cited as witness; fare, \$0.25. Commenced hearing at 11 a. m., completed 5.30. Govt. witnesses, Forest Ranger Alfred L. Strawn, and two others. C. B.

Sampson not called because had no definite information. Flavio Garcia acted as interpreter.

Antonito, Colo., Friday, March 26, 1909.

Interviewed Juan José Lopez in re entry of José Dolores Archuleta, San Miguel, New Mexico. Interviewed C. B. and C. M. Sampson in same matter. Took statement of Lopez. Case to be reported to G. L. O. Issued T. R. 17773 (\$6.90), fare D. & R. G., Antonito to Trinidad, Colo.; also T. R. 17774 (\$2.00), Pullman same trip. Left Antonito 7.50 p. m.

Trinidad, Colo., Saturday, March 27, 1909.

Arrived Trinidad, Colo., 11.50 a. m. Spent afternoon in office making out accounts & vouchers for hearing of U. S. vs. Eusequio Quintana.

Trinidad, Colo., Sunday, March 28, 1909.

Spent day in town. Wrote five letters on official business. Telephoned P. J. Dugan, atty., Pueblo, Colo., in re hearings, \$0.60. Interviewed Joseph W. Cox in re coal entries.

Trinidad, Colo., Monday, March 29, 1909.

Spent day in office copying affidavits for reports. Wrote chief field division in re case of José Dolores Archuleta, San Miguel, New Mexico; also in re Santa Fe Pacific R. R. hearing.

Trinidad, Colo., Tuesday, March 30, 1909.

Made following 4-480 joint reports: H. E. 13572, Joseph Klein, coal land; H. E. 14549, Salvatore Salito, coal land; H. E. 13716, Marina Garcia, coal land. Telephoned chief field division in re Santa Fe-Pacific R. R. hearing, charge reversed on Denver. Interviewed clerk dist. court in re transcript in U. S. vs. Cooley et al.

Trinidad, Colo., Wednesday, March 31, 1909.

Spent day in office. Made out monthly account. Telephoned Atty. C. L. Henderson, Walsenburg, Colo., to be present as witness in Santa Fe-Pacific R. R. hearing April 15th, \$0.30.

### *Daily reports for April, 1909.*

[All signed "James M. Sheridan, special agent."]

Trinidad, Colo., Thursday, April 1, 1909.

Interviewed: Mrs. Mary Duncan, John H. Guilfoil, Steve Patrick, W. G. Plested, all in re entries under investigation. Wrote Juan B. Jaques, Stony, Colo.; wrote chief field division, G. L. O.; wrote P. J. Dugan in re hearings; wrote commissioner for transportation requests.

Trinidad, Colo., Friday, April 2, 1909.

Hired team & single buggy, with driver, from Brown & McRovey livery, Trinidad, Colo.; rate, \$4.00 a day; left Trinidad for ranch of W. H. Day, 2½ miles N. of city, at 8.30 a. m. Mr. Day absent in Trinidad; returned to Trinidad at 10 a. m. Livery, \$2.50. Took affidavit of W. H. Day in town in re his H. E. 14946, Pueblo series, T. 32 S., R. 64 W. On complaint of Mr. Day called up W. G. Boehner & arranged for interview in re unlawful inclosure. Spent afternoon working in office.

Trinidad, Colo., Saturday April 3, 1909.

Hired single buggy & team with driver from Brown & McRorey livery, Trinidad, Colo., at rate of \$4 a day. Left Trinidad for ranch of Adam Baxter, 2 miles W. of Starkville, Colo., at 9 a. m. Took affidavit of Baxter in re his H. E. 15917, Pueblo series, T. 34 S., R. 64 W. Returned to Trinidad at 1 p. m. Livery, \$2.50. 4605 Interviewed W. G. Boehner in re his unlawful enclosure; will produce leases etc., to justify same.

Walsenburg, Colo., Sunday, April 4, 1909.

Left Trinidad at 9 a. m. on C. & S., on T. R. 17776 (\$3), round trip Trinidad to Walsenburg, Colo., & return. Arrived Walsenburg 10.30 a. m. Paid for Pullman chair, \$0.25. Interviewed Forest Ranger Mackelfresh & witnesses in hearing to be held to-morrow, U. S. vs. Joseph E. Diez, H. E. 11731, Pueblo series.

Walsenburg, Colo., Monday, April 5, 1909.

Commenced hearing in case of U. S. vs. Joseph E. Diez, H. E. 11731, Pueblo series, at 9 a. m. Closed hearing at 5 p. m. Forest Reserve case. Spent evening interviewing witnesses in case of U. S. vs. Edward A. Willburn, H. E. 11877, Pueblo series.

Walsenburg, Colo., Tuesday, April 6, 1909.

Commenced hearing in case of U. S. vs. Edward A. Willburn, H. E. 11877, Pueblo series, at 9 a. m. Closed same at 5.45 p. m. Forest reserve case. No train from Walsenburg to Trinidad until 2 p. m. to-morrow.

Trinidad, Colo., Wednesday, April 7, 1909.

Left Walsenburg, Colo., on C. & S. Ry. at 2 p. m. Arrived Trinidad, Colo., at 4 p. m. Spent evening in office attending to correspondence.

Trinidad, Colo., Thursday, April 8, 1909.

Made out vouchers in cases of U. S. *vs.* Edward A. Willburn and U. S. *vs.* Joseph E. Diez. Wrote chief field division in re stenographer for hearings; wrote R. A. Hayes, La Veta, Colo., and R. H. Owens, Gardner, Colo., both in re vouchers.

Trinidad, Colo., Friday, April 9, 1909.

Hired team and buggy, with driver (single buggy), from Brown & McRorey livery, Trinidad, Colo., at rate of \$4 a day. Had same from 9 a. m. to 1 p. m. Drove from Trinidad to ranch of Mary H. White, and return, about 10 miles; Mrs. White absent. Returned to town and took affidavit of Mary H. White in re her H. E. 12006, Pueblo series; accepts surface patent. Interviewed Mary J. Duncan in re her H. E. Took relinquishment of Filemena Patrick to her T. & S. 233, Sec. 17, T. 32 S., R. 65 W. Interviewed Stephen Patrick in re five other T. & S. entries of his family; he informs me all are ready to relinquish all T. & S. entries.

Pueblo, Colo., April 10 (Saturday), 1909.

Took affidavit of Mrs. Mary J. Duncan in re her H. E. 13255, Pueblo series. Will not accept surface patent. Issued T. R. 17777 (\$16.60) round-trip ticket from Trinidad to Westcliffe, Colo., and return, D. & R. G. R. R. Left Trinidad 1.15 p. m. Arrived Pueblo, Colo., 4.50 p. m. Here learned no train for Westcliffe, until Monday. Interviewed register, U. S. land office, in re coal applications in T. 32 S., R. 64 W.

Pueblo, Colo., Sunday, April 11, 1909.

Spent day in town awaiting train to Silver Cliff, Colo. Wrote C. L. Hendershot, Walsenburg, Colo., and M. S. Hibbard, Trinidad, Colo., in re Santa Fe Pacific hearing; telephoned P. J. Dugan, Pueblo, Colo., on same matter. Telephoned clerk dist. court, Silver Cliff, Colo., to notify parties of my arrival there next day. Phone fee, Colo. Telephone Co., \$0.50.

Silver Cliff, Colo., Monday, April 12, 1909.

Left Pueblo at 12.15 p. m. Arrived Westcliffe, Colo., 6.15 p. m. Took stage from Westcliffe to Silver Cliff, Colo. ( $\frac{1}{4}$  mile); round trip fare, paid \$0.50. Interviewed Deputy Forest Supervisor Shoemaker in re hearing in case of U. S. *vs.* Calvin M. Sweeten. H. E. 12712, Pueblo series. Pullman chair, Pueblo to Texas Creek, Colo., \$0.50.

Silver Cliff, Colo., Tuesday, April 13, 1909.

Present with witnesses at 9 a. m. to commence hearing, U. S. *vs.* Calvin M. Sweeten, H. E. 12712, Pueblo series. Thro misunderstanding contestee failed to secure counsel & witnesses. Took his affidavit to this effect and sent same to R. & R., Pueblo, Colo., recommending hearing be reset for June 8th-10th, 1909, to enable contestee to secure counsel & witnesses. No train until to-morrow at 10.20 a. m.

Pueblo, Colo., Wednesday, April 14, 1909.

Left Silver Cliff at 9.30 a. m. Arrived Pueblo, Colo., at 3.45 p. m. Paid for Pullman chair, this trip, \$0.50. No train for Trinidad, Colo., until to-morrow at 8 a. m.

Trinidad, Colo., Thursday, April 15, 1909.

Left Pueblo, Colo., on D. & R. G. R. R. at 8 a. m.; arrived Trinidad, Colo., 11.30 a. m. Interviewed clerk dist. court in re Santa Fe Pacific R. R. hearing. Telephoned chief field division, Denver, in re same hearing. Charge reversed. Paid Radford Transfer Co. for transfer of self and baggage from station to office, \$0.25. Spent afternoon attending to official correspondence.

Trinidad, Colo., Friday, April 16, 1909.

Resumed hearing in U. S. *vs.* Santa Fe Pacific R. R. Co.—Victor Fuel Co., transferee—at 9 a. m. Concluded direct, at Trinidad, at 5.30 p. m. Adjourned until 9 a. m. next morning.

4606 Trinidad, Colo., Saturday, April 17, 1909.

Resumed hearing in U. S. *vs.* Santa Fe Pacific R. R., Victor Fuel Co., transferee, at 9 a. m. Disposed of witness M. J. Danford, engineer, at 5.30 p. m., for defense. Atty. Dugan announces intent to call a few more witnesses to corroborate Danford's testimony. Adjourned until April 28, 1909, due to telegram from Chief Field Division, Denver. Sending Hibbard to Walsenburg, Colo., on rush business.

Trinidad, Colo., Sunday, April 18, 1909.

Wrote Chief Field Division, Denver, three letters in re postponement in Ben Romero case adjournment in Santa Fe Pacific-Victor Fuel Co. hearing, and sending vouchers in case of U. S. *vs.* Edward A. Millburn. Also wrote Atty. P. J. Dugan, Pueblo, Colo., in re Santa Fe Pacific-Victor Fuel Co. hearing. Made out vouchers in Millburn case.

Trinidad, Colo., Monday, April 19, 1909.

Spent day studying regulations and familiarizing myself with case of U. S. *vs.* Juan C. Velasquez to be heard at Saguache, Colo., 22nd inst. Interviewed Luke Egan, ex-chief police, Trinidad, Colo., in re land frauds in Las Animas & Huerfano counties.

Walsenburg, Colo., Tuesday, April 20, 1909.

Wrote chief field division, Denver, in re vouchers in case of U. S. vs. Joseph E. Diez & U. S. vs. Cooley et al. (Charles R. Fuller). Issued T. R. 13473 (\$14.80) fare round trip, D. & R. G. R. R., Trinidad to Moffat, Colo., & return. Left Trinidad 1:15 p. m. Arrived Walsenburg, 4:20 p. m. No train for Alamosa until 2 a. m.

Alamosa, Colo., Wednesday, April 21, 1909.

Left Walsenburg at 2 a. m.; arrived Alamosa, Colo., 7 a. m. No train to Moffat until tomorrow. Telephoned (Colo. Telephone Co.) to forest supervisor, Saguache, Colo., that due to storm could not be present at 10 a. m., hour set for hearing; fee \$0.25. Paid Pullman conductor for berth from Walsenburg to Alamosa, Colo., \$1.50.

Saguache, Colo., Thursday, April 22, 1909.

Left Alamosa at 9 a. m.; arrived, Moffat, 4:45 p. m. Heavy snow storm. Took automobile of A. Brewer, Saguache, Colo., from Moffat to Saguache; distance, 18 miles. Fare, when carrying 4 passengers, \$2.00. Arrived, Saguache, 5:55 p. m. Commenced hearing at 7:30 p. m., & concluded Govt. testimony at 10 p. m. Adjourned until 8:30 tomorrow morning. No stenographer; had to take testimony on typewriter.

Saguache, Colo., Friday, April 23, 1909.

Resumed hearing in U. S. vs. Juan C. Velasquez at 8.30 p. m. Concluded case at 6.15 p. m. Atty. Frank H. Means for defense. No train via La Veta (return coupon) until Monday. Decided to return to-morrow via Salida, Colo., issuing new ticket returning (return coupon for refund) to save two days' time.

Pueblo, Colo., Saturday, April 24, 1909.

Issued T. R. 13474 (\$7.40), fare D. & R. G. R. R., via Salida, Colo., from Moffat to Trinidad, Colo. Paid A. Brewer, Saguache, Colo., for automobile trip from Saguache to Moffat, Colo., (18 miles) fare, when carrying 3 passengers, \$2.50. Left Saguache at 8.30 a. m. Arrived Moffat 9.30 a. m. Left Moffat 2.30 p. m. Bought Pullman berth at Salida, Colo., to Pueblo, Colo., \$1.50. Arrived Pueblo 3 a. m. Paid Pullman porter \$0.25.

Trinidad, Colo., Sunday, April 25, 1909.

Left Pueblo at 8 a. m. Arrived Trinidad 11.45 a. m. Spent afternoon attending to official mail.

Paid Radford Omnibus & Transfer Co., Trinidad, Colo., for transfer from station to office, \$0.25.

Trinidad, Colo., Monday, April 26, 1909.

Took statement of Luke Egan, ex-chief of police, Trinidad, Colo., in re coal lands. Wrote chief field division in re U. S. vs. Santa Fe Pacific R. R. Interviewed W. G. Plested in re stenographer for hearings. Interviewed Albert H. Andreas in re his H. E. Will give his affidavit to-morrow.

Trinidad, Colo., Tuesday, April 27, 1909.

Rec'd. phone message from Atty. Dugan's clerk, Pueblo, Colo.: Dugan sick in bed. Hence Santa Fe Pacific case can not be resumed on 28th inst. Notified parties & dist. clerk.

Issued T. R. 13475 (\$0.55) round trip fare, C. & S. Ry., Trinidad-Forbes Junction, Colo. Left Trinidad at 1.30 p. m. Arrived Forbes Junction 2 p. m. Took affidavit of Albert H. Andreas, H. E. 12843, Pueblo series. Returned to Trinidad at 4 p. m.

Trinidad, Colo., Wednesday, April 28, 1909.

Wrote chief field division in re Juan C. Velasquez, hearing, & notified him of Atty. Dugan's sickness. Made 4-480 reports on H. E. 15911, of Adam Baxter, Pueblo series, and H. E. 14946, Pueblo series, of Wm. H. Day; coal lands. Took affidavit of Day in re his H. E., and also his affidavit in re unlawful inclosure of G. W. Boehner. 4607

Trinidad, Colo., Thursday, April 29, 1909.

Made 4-480 report on H. E. 12006, Pueblo series, of Mary H. White, as to coal, but recommended surface patent, claimant accepting same. Took affidavit of Wm. H. Plested, clerk dist. court, transferee of H. E. 11608, Pueblo series, of Adolfo Medina, in re same. Interviewed Luke Egan in re land frauds.

Trinidad, Colo., Friday, April 30, 1909.

Spent day in town making out monthly account and preparing data for field use.

### *Daily reports for May, 1909.*

[All signed "James M. Sheridan, special agent."]

Trinidad, Colo., Saturday, May 1, 1909.

Made favorable informal report on H. E. 12843, Pueblo series, of Albert H. Andreas, Forbes Junction, Colo. Spent rest of day copying affidavits of Wm. G. Plested, Mary J. Duncan, and Albert H. Andreas, in re their entries. Sent to Chief Field Division relinquishment of Filomena Patrick, Trinidad, Colo., in re her timber & stone entry.

Trinidad, Colo., Sunday, May 2, 1909.

Spent part of day in office studying regulations and attending to correspondence.

Trinidad, Colo., Monday, May 3, 1909.

Interviewed clerk dist. court in re hearings. Wrote P. J. Dugan in re date to resume hearings in *U. S. vs. Santa Fe Pacific Ry. Co.* Wrote Dallas Stubbs, clerk dist. court, Saguache, Colo., on official business. Wrote R. & R., Pueblo, Colo., for relinquishment blanks. Obtained relinquishments of Vincenzo Patrick, T. & S. 236, Pueblo series, and Antonio J. Patrick, T. & S. 235, Pueblo series. Interviewed both these parties.

Walsenburg, Colo., Tuesday, May 4, 1909.

Interviewed —, Trinidad, Colo., in re H. E. of Adolfo Medina, under investigation. Interviewed Antonio J. Patrick in re relinquishments of his wife and brother. Issued T. R. 13476 (\$3.00), fare, round trip, Trinidad-Walsenburg, Colo. Left Trinidad on C. & S. Ry. at 1.30 p. m., arrived Walsenburg at 3.15 p. m. Spent afternoon examining county records, Huerfano County, Colo., in re A. A. Campbell holdings.

Trinidad, Colo., Wednesday, May 5, 1909.

Spent forenoon examining county records, Huerfano County, and verifying A. A. Campbell records. Assisted M. S. Hibbard in compilation of data showing holdings of coal companies in coal field. Left on C. & S. Ry. for Trinidad at 2 p. m. Arrived Trinidad, Colo., at 4 p. m. Wrote Mrs. T. J. Quillian, Gardner, Colo., in re witness fees. Wrote P. J. Dugan, Pueblo, Colo., in re *U. S. vs. Santa Fe Pacific Ry.* hearings.

Trinidad, Colo., Thursday, May 6, 1909.

Made 4-480 report on H. E. 13255, Pueblo series, of Mary J. Duncan, Trinidad, Colo. Interviewed Elmore Floyd, deputy dist. clerk, in re hearings. Prepared to leave for Denver at 8.10 p. m. Recd. telegram late in afternoon directing not to visit Denver until 11th inst. Arranged for field work for to-morrow.

Hagen's Ranch, Reilly Cañon, Friday, May 7, 1909.

Hired team and single buggy, with driver, from the Brown and McRorey livery, Trinidad, Colo., at rate of \$4.00 a day, not including expenses. Left Trinidad at 8 a. m. Arrived at Hagen's Ranch at 12 noon. Distance about 24 miles. Took affidavit of Joseph Hagen, H. E. 11777, Pueblo series; took affidavit of Wm. L. Spencer, H. E. Pueblo series; examined their entries and listed their improvements. Spent night at Hagen's Ranch.

Trinidad, Colo., Saturday, May 8, 1909.

Left Hagen's Ranch at 7.10 a. m. Paid Joseph Hagen, Berwind, Colo., for keep of team of horses from noon, May 7, to morning of May 8, 1909, \$1.50. For bed for driver, .25. For 3 meals for driver, at \$.35 each, \$1.05. Took affidavit of James F. Albertson, H. E. 13688, Pueblo series; took affidavit of William Grey, H. E. 12838, Pueblo series, both of Berwind, Colo.; examined entries and listed improvements. Left Albertson's Ranch, Reilly Cañon, at 1 p. m. Arrived Trinidad 5 p. m. Paid the Brown and McRorey livery \$2.80. Brought forward, \$2.80. Trinidad, Colo., for single buggy and team, with driver, not including expenses, for two days, from May 7th, at 8 a. m. to May 8th, at 5 p. m., 1909, at rate of \$4.00 a day, 8.00. \$10.80.

Denver, Colo., Field Hdqrs., Sunday, May 9, 1909.

Issued T. R. 13477 (\$13.00) fare, round trip, C. & S. Ry., Trinidad-Denver, Colo. Left Trinidad at 1.30 p. m. Arrived Denver, Colo., 8.15 p. m.

Denver, Colo., and Field Headquarters, Sunday, May 9, 1909.

Issued T. R. 13477 (\$13.00) round trip fare, C. & S. Ry., Trinidad-Denver, Colo. Left Trinidad 1.30 p. m. Arrived Denver 8.15 p. m. Paid Pullman conductor 4608 for Pullman chair Trinidad to Denver, Colo., \$1.00; tipped porter, \$.25. Paid Radford Omnibus & Transfer Co. for transfer of self and grip to station from office, \$.25 (at Trinidad, Colo.).

Denver, Colo., and Field Hdqrs., Monday, May 10, 1909.

Spent forenoon in office Chief Field Division, G. L. O., conferring with chief and preparing testimony for Grand Jury. Spent afternoon before Grand Jury testifying in case of *U. S. v. Romano Filepeto*. Paid John Ackerly, Denver, Colo., expressman, for transfer from station to office of two typewriting machines, \$.50.

Denver, Colo., and Field Hdqrs., Tuesday, May 11, 1909.

Spent day conferring with U. S. Dist. Atty. and Chief Field Division. Testified before Grand Jury in case of *U. S. v. A. A. Campbell, La Veta, Colo.*

Denver, Colo., and Field Hdqrs., Wednesday, May 12, 1909.

Spent day reading new circulars and regulations. Wrote R. & R., Pueblo Land Dist., inclosing three relinquishments. Left Denver on C. & S. Ry. (return coupon) at 7.45 p. m. Paid The Burke and Allen Taxicab Co. for transfer of baggage and self to station from Shirley Hotel, \$.60.

Denver, Colo., & Field Hdqrs., Wednesday, May 12, 1909.

Supplemental.

Conferred with chief field division and studied new circulars and regulations. Wrote R. & R., Pueblo Land Office, inclosing relinquishment of Mary L. Patrick, Francis Patrick, and Stephen D. Patrick, for their T. & S. entries. Left Denver on C. & S. Ry. (return coupon) at 7.45 p. m. Paid the Burke and Allen Taxicab Co. transfer of self and baggage from hotel to station, \$0.60. Issued T. R. 13478 (\$2.00) C. & S. Ry., Pullman berth, Denver to Walsenburg, Colo.

Walsenburg, Colo., Thursday, May 13, 1909.

Spent day examining Huerfano County records in re lands held by A. A. Campbell, La Veta, Colo., for use in testifying before grand jury in case of U. S. vs. A. A. Campbell. Arrived in Walsenburg from Denver, Colo., at 6.30 a. m.

Trinidad, Colo., Friday, May 14, 1909.

Spent forenoon examining Huerfano County records in re U. S. v. A. A. Campbell, La Veta, Colo. Left Walsenburg at 2 p. m. Arrived Trinidad, Colo., at 4 p. m. Spent rest of afternoon in office writing up data in U. S. v. A. A. Campbell. Paid Radford Omnibus & Transfer Co. for transfer of self and grips from station to office, 25 cents.

Trinidad, Colo., Saturday, May 15, 1909.

Spent day assisting M. S. Hibbard in platting lands, and in making report on data gathered from Huerfano Co. records in re U. S. v. A. A. Campbell for use before grand jury.

Denver, Colo., and Field Hdqrs., Sunday, May 16, 1909.

Spent forenoon in Trinidad office completing report in re U. S. v. A. A. Campbell, for use before grand jury. Issued T. R. 13478 (\$13.00) C. & S. Ry. fare round trip, Trinidad-Denver, Colo. Paid Radford Omnibus & Transfer Co., for transfer of grip from house and self from office to station, \$0.50. Left Trinidad at 1.30 p. m. Arrived Denver 8.30 p. m. Paid Pullman conductor, Pullman chair, Trinidad-Denver, Colo., \$1.00.

Denver, Colo., and Field Hdqrs., Monday, May 17, 1909.

Interviewed J. L. Stearns, Cooper Bldg., Denver, Colo., as to whereabouts of W. O. Meier, in re timber trespass. Interviewed U. S. Dist. Atty. in re U. S. v. A. A. Campbell. Spent rest of day conferring with chief field division on official business.

Denver, Colo., and Field Hdqrs., Tuesday, May 18, 1909.

Spent forenoon testifying before grand jury in U. S. v. A. A. Campbell. Conferred with chief field division, G. L. O., in afternoon.

Denver, Colo., and Field Hdqrs., Wednesday, May 19, 1909.

Wrote P. J. Dugan, Atty., Pueblo, Colo., in re hearings. Conferred with chief field division in re conspiracy cases Las Animas and Huerfano counties, Colo.

Pueblo, Colo., Thursday, May 20, 1909.

Spent day in office chief field division, Denver, Colo., reading records and decisions in conspiracy cases, in company with Special Agent Smith. Left Denver on C. & S. Ry. (return coupon), 7.45 p. m. Arrived Pueblo, Colo., 11.50 p. m. Stopped over to gather data at land office to-morrow.

Trinidad, Colo., Friday, May 21, 1909.

Spent forenoon in office of R. & R., Pueblo land office, compiling data for future use. Learned that H. E. Brayton, witness, was absent from town. Left Pueblo on C. & S. Ry. (return coupon), 11.55 a. m. Arrived Trinidad, Colo., 3.45. Spent rest of afternoon in office conferring with surveyor of mineral deposits, M. S. Hibbard.

Trinidad, Colo., Saturday, May 22, 1909.

Spent forenoon in office of county clerk and recorder, Las Animas Co., Colo., compiling data in re Allen M. Ghost entries with M. S. Hibbard. Interviewed district clerk Pluted and stenographer Braund in re resumption of Santa Fe Pacific hearings.

4609 Trinidad, Colo., Sunday, May 23, 1909.

Interviewed Paul R. Hereford, Barela, Colo., in re fraudulent entries near Fulsen, N. M. Interviewed Joseph Hagen, Berwind, Colo., in re his H. E. entry.

Trinidad, Colo., Monday, May 24, 1909.

Assisted Special Agent J. A. Smith in taking affidavit of Paul R. Hereford, Barela, Colo., in re fraudulent entries by John Milligan, Folson, N. M. Spent rest of day conferring with Special Agent Smith on method of local investigation of land frauds. Wrote chief field division in re fraudulent entries; also, inclosing affidavit of Paul R. Hereford. Wrote Wm. L. Spencer, Berwind, Colo., in re cutting of timber. Wrote Cornelius B. Sampson, Conejos, Colo., in re H. E. of J. A. Archuleta, N. M.

Trinidad, Colo., Tuesday, May 25, 1909.

With Special Agent Smith spent day investigating G. W. Boehner, in T. 32 S., R. 63 and 64 W. Interviewed Dr. Benj. Beshoar, A. H. Caldwell, Leonhard Ehrlich, J. H.



Guilfoil, A. F. Hollenbeck, Louis Biel, W. V. Wright; took affidavit of Leonhard Ehrlich; all of Trinidad, Colo.

Trinidad, Colo., Wednesday, May 26, 1909.

With Special Agent Smith spent day investigating unlawful inclosure of G. W. Boehner, in T. 32 S., R. 63 and 64 W. Took affidavits of Mary J. Duncan and Thomas J. Dollard, both of Trinidad, Colo., in re above. Took affidavit (additional) of Mary J. Duncan in re her H. E. 13255, Pueblo series, as to residence. Also took affidavit of Albert H. Caldwell, Trinidad, Colo., in re Boehner unlawful inclosure. Spent afternoon in offices county assessor and county treasurer, Las Animas County, Colo., compiling plats and data in re Boehner unlawful inclosure. Interviewed in re above, Louis Biel, and Leohuard Ehrlich.

Trinidad, Colo., Thursday May 27, 1909.

Spent day with Special Agent Smith, working on G. W. Boehner unlawful inclosure: Interviewed Mrs. Leohuard Ehrlich and Wm. G. Plested, of Trinidad, Colo., in re above. Interviewed W. V. Wright, Trinidad, Colo., in re interpretation of act of March 3, 1909. Spent most of day examining records of dist. court and county assessor, Los Animas County in re above. Telephoned Atty. Dugan, Pueblo, Colo., in re hearings. Paid Colo. Telephone Co. for this message, \$0.60.

Trinidad, Colo., Thursday, May 27, 1909.

Spent day working on G. W. Boehner unlawful inclosure: Interviewed Mrs. Leohuard Ehrlich, and Wm. G. Plested, Trinidad, Colo., in re above; spent most of day investigating county and dist. court records in re above; telephoned P. J. Dugan, Pueblo, Colo.; paid Colo. Telephone Co. for this message, Trinidad to Pueblo, Colo., \$0.60. Special Agent Smith assisted in all this work.

Trinidad, Colo., Friday, May 28, 1909.

With Special Agent Smith continued work on G. W. Boehner inclosure: Interviewed W. H. Day by telephone and arranged for affidavit in re above; interviewed W. G. Plested in re above. Commenced work on case No. 6178, Pueblo series, C. F. & I.—Utah Fuel Co. coal land conspiracy. Recd. Case X 383, Pueblo series. Epemania Cordova, Hoehne, Colo., for investigation. Sent telegram to Chief Field Division, charges reversed; in re Cordova case.

Trinidad, Colo., Saturday, May 29, 1909.

With Special Agent Smith worked on G. W. Boehner inclosure. Took affidavits of Walter S. Lee and H. D. Lewis in re above, interviewed Atty's Gow and McGlashan in re Case X 383 of Epemania Cordova. Interviewed Andrew McDonald in re act of March 3, 1909, and private contests. Studied papers in case of "C. F. & I.—Utah Fuel Co." coal land conspiracy. Wrote Chief Field Div. in re H. E. of Mary J. Duncan.

Trinidad, Colo., Sunday, May 30, 1909.

Wrote Chief Field Division in re appointment of Luke Egan, Trinidad, Colo., to Gov't service. Copied statement of Egan in re his coal-mining experience, etc.

Trinidad, Colo., May 31, 1909.

Made out monthly acct. for May, 1909. With Special Agent Smith interviewed Frank Raeder, La Veta, Colo., in re fraudulent entries Pueblo land district. Paid E. C. Downer, notary, for oath to monthly account, \$0.25.

#### *Daily reports for June, 1909.*

[All signed "James M. Sheridan, special agent."]

Trinidad, Colo., Tuesday, June 1, 1909:

Hired team, double buggy, with driver, from the Las Animas Livery Co., Trinidad, Colo., at \$4.50 a day, not including expenses. Left Trinidad at 8.30 a. m., in company with Special Agent Smith and B. A. Gow. Arrived ranch of Elmer Quick, near Hoehne, Colo., about noon. Took affidavit of Elmer and Carrie Quick in re 4610 X 383, Pueblo series, H. E. of Epimenio Cordova; examd. entry. Returned to Trinidad at 4 p. m. Took affidavit of Felix Cordova, Trinidad, Colo., in re above. Interviewed W. G. Boehner in re his unlawful inclosure. Paid Las Animas Livery Co., \$4.50.

Trinidad, Colo., Wednesday, June 2, 1909:

Wrote commissioner for transportation requests. Wrote chief field division in re D. L. E. of C. L. Martin, La Veta, Colo.; also in re U. S. vs. Willburn; also in re relinquishments of Vincenzo and Antonio J. Patrick, Trinidad, Colo.; also R. & R. in re said relinquishments. With Special Agent Smith, wrote Commissioner G. L. O., in re interpretation of act of March 3, 1909. Interviewed Wm. G. Plested, Joseph W. Hawley, and Rev. John X. Peters in re Epimenio Cordova. Interviewed J. E. Archuleta in re his H. E. Interviewed I. D. Mankin in re his H. E., & took his relinquishment, H. E. 16976, Pueblo series. Exd. records county & dist. clerks in re X 383, Epimenio Cordova.

Trinidad, Colo., Thursday, June 3, 1909.

Wrote R. & R. in re plats; also inclosing relinquishment of I. D. Mankin; wrote chief field division in re Lee-Benedict case; also in re H. E. of J. E. Archuleta. Examined county records with Special Agent Smith in re X 383, Pueblo series, of Epimenio Cordova; interviewed Felix Cordova in re above.

Walsenburg, Colo., Friday, June 4, 1909.

Spent forenoon with Special Agent Smith working on pending cases, verifying status, etc., with Special Agent Smith. Left Trinidad on D. & R. G. R. R. at 12.30 p. m. Issued T. R. 1348 (\$7.40) fare Trinidad to Moffat, Colo. Arrived Walsenburg, Colo., 3 p. m. No train for Moffat until 2 a. m.

Saguache, Colo., Saturday, June 5, 1909.

Left Walsenburg at 2 a. m. Arrived Moffat, Colo., 10.30 a. m. Left Moffat on stage, route Lawrence, Saguache, Colo., fare Moffat to Saguache, 18 miles, \$1.50. Paid Jute Lawrence fare, \$1.50. Phoned forestry officer Saguache, Colo., from Moffat, Colo. Paid Colo. Telephone Co. for this message, \$0.25. Arrived Saguache, Colo., at 5 p. m.

Saguache, Colo., Sunday, June 6, 1909.

Spent day in town awaiting arrival of Mineral Expert F. R. Sherwin. Interviewed forest supervisor and his deputy in re U. S. vs. Burnham et al.

Saguache, Colo., Monday, June 7, 1909.

Opened hearing in U. S. vs. Burnham et al. Contestees represented neither by counsel nor in person. Mineral Expert F. R. Sherwin arrived at 3.20 p. m. Interviewed him in re above hearing. Interviewed clerk dist. court in re hearings.

Alamosa, Colo., Tuesday, June 8, 1909.

At 9 a. m., at Saguache, Colo., entered default in U. S. vs. Burnham et al. Interviewed sheriff Saguache Co. in re his H. E. Took his affidavit in this matter; same sent chief field division by clerk dist. court. Left Saguache at 5.15 p. m. in automobile of Alonzo Brewer, Saguache, Colo.; arrived Moffat, Colo., 6.30 p. m. Paid Alonzo Brewer for auto trip, 18 miles, \$2.50. Paid Agt. D. & R. G. R. R. fare Moffat to Antonito, Colo., \$3.35. Left Moffat 7.15 p. m. Arrived Alamosa, Colo., 8.30 p. m. Antonito, Colo., Wednesday, June 9, 1909.

Left Alamosa 6.50 a. m. Arrived Antonito, Colo., 8 a. m. Commenced hearing at Conejos, Colo., at 9 a. m. in U. S. vs. heirs of Josefa Barela Herrera. Heirs not represented properly. Case postponed until July 27, 1909. Atty. John Nevitt for contestees. Interviewed E. R. Marshall and J. A. Garcia in re hearings. Hired buggy and team with driver from A. J. Lawton, Antonito, Colo. Made three trips Antonito-Conejos (1½ miles one way) at \$0.50 a trip. Paid for same, \$1.50.

Antonito, Colo., Thursday, June 10, 1909.

Completed hearing in U. S. vs. Jose Ignas Garcia, H. E. 3251, Del Norte series. Interviewed Forest Ranger Fitzhugh, Wm. McGinnis, and Reginaldo Garcia in re above. Hired buggy and team with driver from A. J. Lawton, Antonito, Colo. Made four trips Antonito-Conejos, Colo., at \$0.50 a trip. Paid A. J. Lawton for same, \$2. Interviewed C. B. and C. M. Sampson in re unlawful entries.

Antonito, Colo., Friday, June 11, 1909.

Hired team and buggy with driver from A. J. Lawton, Antonito, Colo., at \$3.50 a day. Used same from 9 a. m. to 3 p. m. Paid for same, \$3.50. Drove 25 miles to examine H. E.'s of Daniel F. Lobato, Fidel Giron, and Rafael Zamora, near Antonito, Colo. Law not complied with in any of above. Interviewed H. F. Jordon in re above unlawful entries.

Alamosa, Colo., Saturday, June 12, 1909.

Hired team and buggy with driver from A. J. Lawton, Antonito, Colo., at \$3.50 a day. Had same from 9 a. m. to 4 p. m. Traveled about 20 miles. Took affidavit of Maria Dolores Lucero in re her H. E.; also of servant of C. M. Sampson in re 4611 above. Interviewed C. M. Sampson in re above. Paid A. J. Lawton for buggy, etc., as above, 1 day, \$3.50. Issued T. R. 13481 (\$6.93) fare D. & R. G. R. R., Antonito to Trinidad, Colo. Left Antonito 6.45 p. m. Arrived Alamosa, Colo., 7.40 p. m.

Endeavored to locate W. O. Mier to interview him in re his T. T. Not in town and present whereabouts unknown. Interviewed Tranquillino Romero in re H. E. of Maria Dolores Lucero, but did not take his affidavit; not advisable to do so now. Left Alamosa 8.35 p. m. Bought Pullman berth Alamosa to Walsenburg, Colo., \$2.

Trinidad, Colo., Monday, June 14, 1909.

Arrived Trinidad 11.30 a. m. Smith, Hibbard, and Parks absent. Interviewed Wm. G. Plested and stenographer, Braund, in re hearings. Smith, Hibbard, and Parks returned 6 p. m. Paid Radford Omnibus & Transfer Co., grips and self, station to office, \$0.25.

Trinidad, Colo., Tuesday, June 15, 1909.

Interviewed G. W. Boehner in re his unlawful inclosure; interviewed Atty. A. F. Hollenback in re above; spent most of day writing up vouchers and reports on hearings held at Saguache and Conejos, Colo., June 7-10, 1909.

Trinidad, Colo., Wednesday, June 16, 1909:

Interviewed Earle Carmichael in re his appointment G. L. O. Hibbard, Smith, and Parks returned to field. Spent most of day completing Saguache-Conejos hearings report. Endeavored to reach Atty. P. J. Dugan, Pueblo, Colo., by phone; unsuccessful.

Pueblo, Colo., Thursday, June 17, 1909:

Interviewed R. L. Survant in re private contest of D. L. E. of J. S. Hart, Trinchera, Colo. Left Trinidad on D. & R. G. R. R. at 12.30 p. m. on T. R. 13482 (\$14.60) round trip for Special Agent Smith & self Trinidad-Pueblo, Colo. (30 days). Paid Radford Omnibus & Transfer Co. transfer of grip, hotel to station, \$0.25. Arrived Pueblo 3.45 p. m. Spent rest of afternoon conferring with Special Agent Smith in re C. F. & I.-Utah Fuel Co. coal-land conspiracy, case 6178, Pueblo.

Pueblo, Colo., Friday, June 18, 1909.

Spent day with Special Agent Smith examining land office records in re C. F. & I.-Utah Fuel Co.'s coal land conspiracy. Interviewed Atty. P. J. Dugan in re hearings. Interviewed clerk dist. court, Pueblo, Colo., as to whereabouts of Stenographer Brannel. Wrote Wm. G. Plerted in re stenographer. Wrote M. S. Hibbard, Trinidad, Colo., on official business.

Pueblo, Colo., Saturday, June 19, 1909.

With Special Agent Smith spent day examining records of U. S. Land Office in re C. F. & I. C.-Utah Fuel Co. coal-land conspiracy.

Pueblo, Colo., Monday, June 21, 1909.

With Special Agent Smith spent day in office of R. & R. reviewing records in case 6178, Pueblo series, C. F. & I.-Utah Fuel Co. coal-land conspiracy.

Pueblo, Colo., Tuesday, June 22, 1909.

With Special Agent Smith spent day in office of R. & R. reviewing records in case 6178, Pueblo series, C. F. & I.-Utah Fuel Co. coal-land conspiracy. Interviewed Homer E. Brayton and E. J. Braund in re hearings.

Pueblo, Colo., Wednesday, June 23, 1909.

With Special Agent Smith spent day examining and abstracting U. S. Land Office records in re C. F. & I.-Utah Fuel Co. coal-land conspiracy, case 6178. Interviewed P. J. Dugan in re hearings.

Trinidad, Colo., Thursday, June 24, 1909.

Left Pueblo on D. & R. G. R. R. at 8 a. m., on return coupon T. R. 13482. Arrived Trinidad 12.10 p. m. Wrote Chief Field Division four letters on official business. Conferred with Special Agent Smith in re cases under investigation.

Trinidad, Colo., Friday, June 25, 1909.

With Special Agent Smith left Trinidad at 8.20 a. m. on C. & S. Ry., issuing my T. R. 47801 (\$6.00) for both, round trips Trinidad-Walsenburg, Colo. Arrived Walsenburg 10.30 a. m. to complete U. S. *vs.* Cooley et al. Atty. Dugan absent. Completed testimony. Wrote two letters, to county assessor and county treasurer Huerfano Co., Colo., in re U. S. *vs.* Cooley et al. Left Walsenburg 6 p. m. Arrived Trinidad 7.20 p. m. Paid Radford Omnibus Co. transfer grips & self, \$0.25. Paid Pullman conductor, chair Walsenburg-Trinidad, \$0.25.

Trinidad, Colo., Saturday, June 26, 1909.

Wrote Chief Field Division two letters on official business; wrote Henry Blickhahn, clerk, dist. court, Huerfano Co. in re hearings vouchers; mailed two vouchers, U. S. *vs.* Cooley et al., to Chief Field Division. Interviewed Atty. Tipton, Trinidad, Colo., in re hearings and act March 3, 1909. Spent rest of day conferring with Special Agent Smith in re cases under investigation.

4612 Trinidad, Colo., Sunday, June 27, 1909:

With Special Agent Smith abstracted all necessary data from Long records in re Utah Fuel—C. F. & I. coal-land conspiracy, returning same, with letter of transmission to Chief Field Division this date.

Trinidad, Colo., June 28 (Monday), 1909:

With Special Agent Smith and Mineral Inspector Parks. Spent part of day examining county records in re L. S. of Samuel J. Burris, atty. in fact, Pueblo, Colo.; interviewed clerk of dist. court and clerk of county court, Las Animas County, in re contest on D. L. E. of J. S. Hart, Trinidad, Colo., by J. F. Couch; took affidavit of Hawley in re same.

Trinidad, Colo., Tuesday, June 29, 1909.

Returned Hendershot books (12) to chief field division. Interviewed Ray Garten and Louis E. Gregg, of Berwind, Colo.; took relinquishment of Gregg for his H. E.

17933, Pueblo. Wrote chief field division on official business; interviewed Price Dunlavy, Mrs. J. N. Vigil, Rev. John X. Peters, and Attorney Bernard Gow in re Epemano Cordova case, X. 383, Pueblo.

Trinidad, Colo., Wednesday, June 30, 1909:

Interviewed Atty. Bernard Gow in re H. E. of Epemano Cordova, case X. 383, Pueblo. Spent rest of day making out monthly accounts. Paid C. E. Downer, notarial fee monthly acct., \$0.25.

*Daily reports for July, 1909.*

[All signed "James M. Sheridan, special agent."]

Trinidad, Colorado, Thursday, July 1, 1909.

Expenses, none.

Interviewed B. A. Gow, E. Floyd, and J. W. Hawley in re X 383, Pueblo, H. E. of Epemano Cordova, ditto postmaster in re above, ditto Salvatore Salito in re right of election. With Special Agent Smith spent part of day examining county records in re Burris scrip L. S. Wrote chief Field Division in re Wood vs. Dollard. Wrote Comm'r G. L. O., returning T. R.'s.

Trinidad, Colorado, Friday, July 2, 1909.

Expenses, Colo. Telephone Co., message Trinidad-Alamosa, Colo., on official business in re X 383, Pueblo, Epemano Cordova, \$0.70.

Interviewed B. A. Gow in re X 383, Pueblo series, Epemano Cordova H. E. Spent rest of day abstracting county records in re C. F. & I.—Utah Fuel Co. coal land conspiracy, case No. 6178, Pueblo. Awaiting address of important witness to be interviewed in re X 383, Pueblo, Epemano Cordova H. E.

Trinidad, Colorado, Saturday, July 3, 1909.

Expenses, A. T. & S. F. R. R., Pullman berth Trinidad-Denver, Colo., \$2.00.

Took affidavit of Felix Cordova in re X 383, Pueblo, of Epemano Cordova. Interviewed W. C. Riggs in re his unlawful inclosure. Spent rest of day studying papers in case 6178, Pueblo, C. F. & I.—Utah Fuel Co. coal land conspiracy. Left on A. T. & S. F. R. R. at 8 p. m. on T. R. issued by Special Agent Smith for both.

Denver, Colorado, arrived 11.20 a. m., Sunday, July 4, 1909.

Expenses: Portage, Pullman, \$0.25.

Spent part of day in office of Chief Field Division conferring with him in re X 383, Pueblo, Epemano Cordova, and other cases under investigation.

Denver, Colorado, Monday, July 5, 1909.

Expenses: None.

Spent forenoon working on report in case X 383, Pueblo Land District, of Epemano Cordova, Hoehne, Colo., and conferring with chief field division in re above.

Denver, Colorado, Tuesday, July 6, 1909.

Expenses: None.

Continued work on report in re X 383, Pueblo Land District, of Epemano Cordova, and conferred with chief field division in re above and other cases under investigation. In company with Special Agents Smith and Kelley, interviewed Willis Yard, Denver, Colo., in re U. S. vs. Calumet Fuel Company.

Denver, Colorado, Wednesday, July 7, 1909.

Expenses: None.

Completed report in re X 383, Pueblo land dist. of Epemano Cordova. With Special Agts. Kelly and Smith interviewed Willis Yard, Denver, Colo., in re U. S. vs. Calumet Fuel Co.; report made on X 383 was adverse. Took up case of U. S. vs. Jos. Miskiel, H. E. 12995, Pueblo series, and conferred with Chief Field Division in re same.

Denver, Colorado, Thursday, July 8, 1909.

Expenses: None.

4613 Continued work on U. S. vs. Joseph Miskiel, H. E. 12995, Pueblo, abstracting testimony in same, and platting lands.

Denver, Colorado, Friday, July 9, 1909.

Expenses: None.

Completed abstracts and plats in re U. S. vs. Joseph Miskiel, H. E. 12995, Pueblo; with Chief of Field Division conferred with U. S. dist. atty. in re above. Spent part of day endeavoring to locate witness in re above.

Denver, Colorado, Saturday, July 10, 1909.

Expenses: None.

Interview — in re Joseph Miskiel, H. E. 12995, Pueblo. Continued abstracting of record in Meyers vs. Mitchell in re C. F. & I.—Utah Fuel Co., coal land conspiracy.

Denver, Colorado, Sunday, July 11, 1909.

Expenses: None.

Spent forenoon abstracting records in Meyers *vs.* Mitchell in re C. F. & I.—Utah Fuel Co., coal and land conspiracy.

Denver, Colorado, Monday, July 12, 1909.

Completed abstracting of records of Meyers *vs.* Mitchell in re C. F. & I.—Utah Fuel Co., coal land conspiracy. Interviewed Milo H. Slater in re Joseph Miskiel, H. E. 12995, Pueblo. Spent afternoon compiling data in office of Sec. of State in re Joseph Miskiel, H. E. 12995, Pueblo. Left Denver on A. T. & S. F. R. R., at 7.55 p. m., on T. R. issued by Special Agent Smith for both of us. Arrived Pueblo, Colo., at 12 midnight.

Pueblo, Colo., Tuesday, July 13, 1909.

Expenses: None.

Spent day with Special Agent Smith, abstracting U. S. land-office records in re Utah Fuel—C. F. & I. coal-land conspiracy.

Pueblo, Colorado, Wednesday, July 14, 1909.

Expenses: None.

With Special Agent Smith, spent day abstracting U. S. land-office records in re Utah Fuel Co.—C. F. & I. coal-land conspiracy.

Pueblo, Colorado, Thursday, July 15, 1909.

Expenses: None.

Spent day abstracting land-office records in re Utah Fuel—C. F. & I. coal-land conspiracy—in company with Special Agent Smith.

Trinidad, Colorado, Friday, July 16, 1909.

Expenses: Issued T. R. 23603, C. & S. Ry., fare for Special Agent Smith & self, Pueblo to Trinidad, Colo. (\$7.30); to Radford Omnibus Co., trans. baggage, \$0.25.

Completed abstracting of U. S. land office records in re Utah Fuel, C. F. & I. coal land conspiracy; spent part of day obtaining addresses from Pueblo Directory office; interviewed cashier First Nat. Bank, Pueblo; also postmaster, Pueblo; also G. V. Jennings, Pueblo, in re above case; left Pueblo 4 p. m. Arrived Trinidad 8 p. m.

Trinidad, Colorado, Saturday, July 17, 1909.

Expenses: Paid Colo. Telephone Co. official message to Walsenburg, Colo., in re exhibits U. S. *vs.* Cooley et al., \$0.25.

In company with Special Agents Smith & Phillips and Mineral Inspector M. S. Hibbard worked on case 6178, Pueblo, Utah Fuel Co., C. F. & I. coal land conspiracy. Interviewed county treasurer, Huerfano Co., Colo., by phone in re U. S. *vs.* Cooley et al.; ditto deputy dist. clerk (orally) in re U. S. *vs.* Cooley et al. (Las Animas County). Interviewed D. S. John in re his unlawful inclosure near Hoehne, Colo.

Trinidad, Colorado, Sunday, July 18, 1909.

Expenses: Paid Radford Omnibus Co., Trinidad, Colo., for transfer of trunk and grip, house to station, \$0.50.

Conferred with Special Agents Smith, Phillips, and Hibbard in re case 6178, Pueblo series, C. F. & I. Utah Fuel coal land conspiracy. Wrote chief field division in re local land officials at Trinidad, Colo. Issued T. R. 23604 (\$7.20), fare Trinidad-Denver, Colo., and T. R. 23605 (\$2.00) Pullman, same trip, C. & S. Ry. Left Trinidad 10 p. m.

Denver, Colorado, Monday, July 19, 1909.

Expenses: Paid Stebbins & Sabin express, Denver, Colo., for transfer of trunk to hotel, \$0.50.

Spent day conferring with chief field division and U. S. Dist. Atty. in re Cunningham coal case to be taken up by me at Seattle, Wash., in near future. Wrote M. S. Hibbard and J. O. Smith in re Trinidad cases, now to be taken over by them.

Denver, Colorado, Tuesday, July 20, 1909.

Expenses: None.

Spent day making out semimonthly acct. prior to departure for Seattle, Wash. Wrote 3 letters to Special Agent Smith in re case 6178, Pueblo, C. F. & I., Utah Fuel Co., coal land conspiracy. Conferred with chief field division in re case 6178, Pueblo.

4614 Denver, Colorado, Wednesday, July 21, 1909.

Expenses: Denver Transfer Co., transfer trunk and grip to station, \$0.75.

Spent day conferring with chief field division in re case 6178, Pueblo, Utah Fuel—C. F. & I. coal land conspiracy. Issued T. R. 23606 (\$41.65) and T. R. 23607 (\$9.50) to C. B. & Q. R. R. transportation & Pullman berth, Denver, Colo., to Seattle, Wash., one way. Left Denver 7.45 p. m.

En route Denver, Colo., to Seattle, Wash., Thursday, July 22, 1909.

Expenses, none.

On C. B. & Q. R. R. en route to Seattle, Washington, to take charge of Cunningham coal case, Alaska.

En route Denver, Colo., to Seattle, Wash., Friday, July 23, 1909.

Expenses, portorage, \$0.25.

On C. B. & Q. R. R., en route to Seattle, Washington, to take charge of Cunningham coal case, Alaska.

Seattle, Washington, Saturday, July 24, 1909.

Expenses, portorage, \$0.25.

Arrived Seattle, Wash., at 11.20 a. m. Conferred with Chief Field Division L. R. Glavis in re Cunningham coal case, Alaska. Also with Commissioner G. L. O. on same matter.

Seattle, Washington, Sunday, July 25, 1909.

Expenses, none.

Commenced study of records in Cunningham coal case, Alaska, and continued same all day.

Seattle, Washington, Monday, July 26, 1909.

Expenses, none.

Continued study of records in Cunningham coal case, Alaska. Conferred with Chief Field Division Glavis and Commissioner G. L. O. on same.

Seattle, Washington, Tuesday, July 27, 1909.

Expenses, none.

Completed study of records in Cunningham coal case, Alaska, and made report on same by letter to Acting Asst. Commissioner H. H. Schwartz. Conferred with Commissioner and Chief Field Division L. R. Glavis in re above.

Seattle, Washington, Wednesday, July 28, 1909.

Expenses, Independent Taxicab Co., Seattle, Wash., transfer grip & self to station, about 4 miles, \$1.00.

Conferred with Commissioner G. L. O. and Chief Field Division L. R. Glavis in re Cunningham coal case, Alaska. Issued T. R. 23509 (\$41.65), Great Northern R. R., Seattle, Wash., to Denver, Colo. This T. R. out of Special Agent J. A. Smith's book. Left Seattle, Wash., on Great Northern R. R. at 10 p. m.

Great Northern R. R., en route to Denver, Colo., Thursday, July 29, 1909.

Expenses, portorage, \$0.25.

En route from Seattle, Wash., to Denver, Colo.

Great Northern R. R., en route to Denver, Colo., Friday, July 30, 1909.

Expenses, portorage, \$0.25.

En route from Seattle, Wash., to Denver, Colo.

Great Northern R. R., en route to Denver, Colo., Saturday, July 31, 1909.

Expenses, portorage, \$0.25.

En route from Seattle, Wash., to Denver, Colo. Arrived Denver, Colo., 11 p. m.

#### *Daily reports for August, 1909.*

[All signed "James M. Sheridan, special agent"']

Denver, Colo., Sunday, August 1, 1909.

Expenses, none.

Conferred with chief field division in re Seattle trip and cases now to be resumed in Colorado.

Denver, Colo., Monday, August 2, 1909.

Expenses: Paid A. S. Angel, Denver, Colo., expressman, for transfer trunk station to hotel, .50.

Wrote additional letter report to chief field service Schwartz in re Cunningham coal case, Alaska. Conferred with chief field division in re C. F. & I.—Utah Fuel coal land conspiracy case, 6178, Pueblo. Made out monthly acct.

Denver, Colo., Tuesday, August 3, 1909.

Expenses, none.

Spent day examining records office chief field division in re C. F. & I.—Utah Fuel Co. coal land conspiracy and conferring with chief field division regarding same, and Miskiel case H. E. 12995, Pueblo series. Left Denver on C. & S. R. R. at 11.30 p. m. on T. R. 23511 (\$14.40), 23512 (\$4.00) of Special Agt. Smith.

4615 Trinidad, Colo., Wednesday, August 4, 1909.

Expenses, portorage, .25.

Arrived Trinidad 7 a. m. Spent day abstracting county records in re Utah Fuel—C. F. & I. coal land conspiracy and conferring with Special Agent Smith in re same. Interviewed J. E. Archuleta in re H. E. 11986, Pueblo, of Elisco Lucero, Walsenburg, Colo.

Trinidad, Colo., Thursday, August 5, 1909.

Expenses, Colo. Telephone Co., message, official, Trinidad-Walsenburg, Colo. (minimum charge), .25.

Examined county records in re dealings of county clerk and dist. clerk, Las Animas Co., in public lands (coal). Initialed stenographic notes in U. S. vs. Santa Fe Pac. R. R.—Victor Fuel Co., transferee. Interviewed clerk dist. court in re U. S. vs. Santa Fe Pacific R. R. Wrote Chief Field Division in re local U. S. commissioner.

Trinidad, Colo., Friday, August 6, 1909.

Expenses, Pullman chair, C. & S. R. R., Trinidad-Walsenburg, Colo., & return, .50. Radford Trans. Co., trans. station to office, Trinidad, Colo., .25.

Left Trinidad at 8 a. m. on T. R. of Special Agt. J. A. Smith. Arrived Walsenburg, Colo., 9.30 a. m. Spent day examining county records in re U. S. vs. Joseph Miskel, H. E. 12995, Pueblo. Left Walsenburg 7.30 p. m. Arrived Trinidad 9 p. m.

Trinidad, Colo., Saturday, August 7, 1909.

Expenses: Radford Transfer Co., grips to station, .25; C. & S. Ry. conductor, for one Pullman berth, this trip, 2.00.

Interviewed Forest Supervisor Whitney in re H. E. proof; spent part of day reading and abstracting letters of Special Agent Max Pracht in re Utah Fuel-C. F. & I. coal-land conspiracy. Issued T. R. 23608 (\$7.30) C. & S. Ry., Special Agent Smith and self, Trinidad to Pueblo, Colo. Left Trinidad at 10 p. m.

Pueblo, Colo., Sunday, August 8, 1909. Arrived 3 a. m.

Expenses, none.

Met and interviewed L. L. Babb, special agent, in re Utah Fuel-C. F. & I. coal-land conspiracy.

Pueblo, Colo., Monday, August 9, 1909.

Expenses, none.

Spent day in U. S. land office examining records in H. E. 12995, Pueblo, of Joseph Marshall and abstracting same in said case and also in Utah Fuel Co.—C. F. & I. Co. coal-land conspiracy.

Pueblo, Colo., Tuesday, August 10, 1909.

Expenses, none.

Spent day examining & abstracting U. S. land office records and Pueblo newspapers in re Utah Fuel-C. F. & I. coal land conspiracy.

Trinidad, Colo., Wednesday, August 11, 1909.

Expenses: Porterage, A. T. & S. F. R. R., .25. Radford Transfer Co., Trinidad, Colo., from station and to station, .50.

Left Pueblo on A. T. & S. F. R. R. at 1.10 a. m., on T. R. requests of Special Agent Smith Nos. 23514 and 23515. Arrived Trinidad, Colo., at 7 a. m. Wrote Commr. in re act March 3, 1909; Chief Field Division in re G. L. O. records, Utah Fuel-C. F. & I. coal land conspiracy; ditto in re hearings & vouchers; interviewed Mrs. J. N. Vogel in re Utah Fuel-C. F. & I. case. Conferred with Special Agent Smith in re Utah Fuel-C. F. & I. coal land conspiracy. Issued T. R. 23609 (\$13.70), C. & S. Ry., for Special Agent J. A. Smith and self from Trinidad, Colo., to Clayton, New Mexico, & return. Left Trinidad 8.20 p. m.

Clayton, N. Mex., Thursday, August 12, 1909.

Expenses, none.

Arrived Clayton, N. M., at 1 a. m. Interviewed Atty. C. A. Sigel in re case 6178.

Trinidad, Colo., Friday, August 13, 1909.

Expenses: Pullman chair Clayton, N. M., to Trinidad, Colo., \$0.50. (C. & S. Ry.) Radford Transfer Co., Trinidad, Colo., \$0.25.

Interviewed Atty. C. A. Sigel & register Clayton land office in re case 6178. Left Clayton, N. M., at 5.20 p. m. Arrived Trinidad 10 p. m.

Trinidad, Colo., Saturday, August 14, 1909.

Expenses: Shaw Automobile Co., Trinidad, Colo., self & grips office to station, \$0.25.

Conferred with Special Agent Blount & instructed him concerning conditions in coal field. Interviewed J. N. Vogel in re C. F. & J.—Utah fuel coal land conspiracy. Interviewed Wm. G. Plested in re hearings. Compiled data in re clerks of dist. & county courts. Plested & Hawley. Issued T. R.'s 23610 (\$14.40) and 23611 (\$11.00), Special Agent J. A. Smith & self C. & S. Ry. Trinidad-Denver, Colo., trans. & Pullman.

4616 Denver, Colo., Sunday, August 15, 1909.

Expenses, none.

Spent day conferring with chief field division in re C. F. & J.—Utah fuel coal land conspiracy & local land office personnel.

Denver, Colo., Monday, August 16, 1909.

Expenses, none.

Spent day conferring with chief of field division in re Utah field—C. F. & I. coal land conspiracy—and conferring with Special Agent Smith and dictating memos and letters in re above (two letters). Issued T. R. 23612 (\$41.65) fare Denver, Colo., to

Seattle, Wash., Union Pacific R. R.; and T. R. 23613 (\$9.50) Pullman berth same trip. Left Denver at 7.20 p. m.

Tuesday, August 17, 1909.

En route to Seattle, Wash., on U. P. train.

Expenses, portorage, .25.

On U. P. R. R. en route to Seattle, Wash., to take charge of Cunningham coal case, Alaska.

Wednesday, August 18, 1909.

En route to Seattle, Wash., on U. P. R. R.

Expenses, portorage, .25.

On U. P. R. R. en route to Seattle, Wash., to take charge of Cunningham coal case, Alaska.

Seattle, Wash., Thursday, August 19, 1909.

Expenses, none.

Arrived Seattle, Washington, 7 a. m. Received telegraphic instructions from Schwartz, dated Aug. 17; spent day studying Cunningham case. Glavis absent in Spokane.

Seattle, Wash., Friday, August 20, 1909.

Expenses, none.

Spent day studying Cunningham case and law applicable. Telegraphed Schwartz Glavis absent Spokane. Recd. reply advising Glavis directed to return Seattle for conference.

Seattle, Wash., Saturday, August 21, 1909.

Expenses, none.

Spent day studying evidence and law in Cunningham coal case, Alaska.

Seattle, Wash., Monday, August 23rd, 1909.

Expenses: None.

Continued study of evidence and law in Cunningham coal case, Alaska. Telegraphed Schwartz in re above. Interviewed Atty. Jones in re above.

Seattle, Wash., Tuesday, August 24, 1909.

Expenses: None.

Spent day working on papers in Cunningham coal case, Alaska, and reading up laws applicable thereto.

Seattle, Wash., Wednesday, August 25, 1909.

Expenses: None.

Continued study of Cunningham coal case and law applicable thereto. Recd. telegram from Schwartz in re sailings for Alaska. Answered same. Recd. telegram from Schwartz in re coal expert from Geological Survey to assist in Alaska. Telegraphed Kennedy, Alaska, in re same.

Seattle, Wash., Thursday, August 26, 1909.

Expenses, none.

Spent day studying Cunningham coal case and law applicable thereto.

Telegraphed Schwartz, advising Glavis absence and asking instructions. Telegraphed McEniry for personal effects.

Seattle, Wash., Friday, August 27, 1909.

Expenses, none.

Continued study Cunningham coal case, Alaska. Interviewed M. K. Rodgers, Seattle, Wash., in re above, and took his affidavit on same. Rec'd telegram from Schwartz in re M. K. Rodgers' connection with Cunningham group, and in re Geological Survey Bulletin 335; wired ans. on both points at 9.15 p. m.

Seattle, Wash., Saturday, August 28, 1909.

Expenses, none.

Wrote Chief Field Service Schwartz inclosing affidavit of M. K. Rodgers. Telegraphed A. Kennedy, Katalla, Alaska, in re my wire of Aug. 25th. Telegraphed Schwartz in re Cunningham papers in G. L. O. Spent day studying law applicable to Cunningham coal case, Alaska.

Seattle, Wash., Monday, August 30, 1909.

Expenses, none.

4617 Spent day studying Cunningham coal case, Alaska. Issued T. R. 23614 (\$62.50) fare, N. P. R. R. Seattle, Wash., to Washington, D. C., and T. R. 23615 (\$12.00) Pullman berth, Seattle, Wash., to St. Paul, Minn. Left Seattle, Wash., at 10 p. m. Telegraphed Schwartz of departure. Telegraphed McEniry, Denver, Colo., in re departure.

N. P. R. R., en route Wash., D. C., Tuesday, August 31, 1909.

Expenses, none.

En route to Wash., D. C., to consult G. L. O. in re Cunningham coal cases, Alaska.



*Daily reports for September, 1909.*

[All signed "James M. Sheridan, special agent."]

En route from Seattle, Wash., to Wash., D. C., Wednesday, September 1, 1909.

Expenses, none.

En route to Washington, D. C., to confer with G. L. O. in re Cunningham coal cases, Alaska.

En route to Wash., D. C., Thursday, September 2, 1909.

Expenses, none.

En route from Seattle, Wash., to Wash., D. C., to confer with G. L. O. in Cunningham coal case, Alaska.

Issued T. R. 23616 (\$2.00) Pullman berth (to Pullman Co.) St. Paul, Minn., to Chicago, Ill.

En route to Wash., D. C., Friday, September 3, 1909.

Expenses, none.

En route from Seattle, Wash., to Wash., D. C., to confer with G. L. O. in re Cunningham coal cases, Alaska.

Issued T. R. 23617 (\$2.50) to Pullman Co., berth, Chicago, Ill., to Pittsburg, Pa.

[Note attached: Mr. Fowle, please substitute these for ones of same date already submitted. I forgot to put the transportation requests on the others. Sincerely hope you are yourself again. J. M. Sheridan.]

En route to Wash., D. C., Thursday, September 2, 1909.

Expenses, none.

En route from Seattle, Wash., to Wash., D. C., to confer with G. L. O. in re Cunningham coal case, Alaska.

En route to Wash., D. C., Friday, September 3, 1909.

Expenses, none.

En route from Seattle, Wash., to Wash., D. C., to confer with G. L. O. in re Cunningham coal case, Alaska.

En route to Wash., D. C., Saturday, September 4, 1909.

Expenses, none.

En route from Seattle, Wash., to Wash., D. C., to confer with G. L. O. in re Cunningham coal case, Alaska. Issued T. R. 23618 (\$2.00) to Pullman Co., berth Pittsburg, Pa., to Wash., D. C.

En route to Wash., D. C., Saturday, September 4, 1909.

Expenses, none.

En route from Seattle, Wash., to Wash., D. C., to confer with G. L. O. in re Cunningham coal case, Alaska.

Washington, D. C., Sunday, April 5, 1909.

Expenses, none.

Arrived Washington, D. C., at 7 a. m.

Wash., D. C., Monday, September 6, 1909.

Expenses, none.

Conferred with Chief Field Service in re Cunningham coal case, Alaska.

Wash., D. C., Tuesday, September 7, 1909.

Expenses: Telegram to McEniry, Denver, Colo., to forward trunk, Western Union \$0.44.

Conferred with Chief Field Service in re Cunningham coal case, Alaska.

Wash., D. C., Wednesday, September 8, 1909.

Expenses, none.

Conferred with Chief Field Service in re Cunningham coal case, Alaska.

Wash., D. C., Thursday, September 9, 1909.

Expenses, none.

Conferred with Chief Field Service and continued study of Cunningham coal case, Alaska.

Wash., D. C., Friday, September 10, 1909.

Expenses, none.

4618 Wrote Chief Field Service and conferred with him in re Cunningham coal case, Alaska; continued study of case.

Wash., D. C., Saturday, September 11, 1909.

Expenses, none.

Conferred with Chief Field Service and continued study of Cunningham coal case, Alaska.

Wash., D. C., Monday, September 13, 1909.

Expenses, none.

Conferred with Chief Field Service in re Cunningham coal case, Alaska. Aided in compilation of exhibit and data for hearings on same.

Wash., D. C., Tuesday, September 14, 1909.

Expenses, none.

Conferred with Chief Field Service & aided in compilation of data and exhibits for hearings in Cunningham coal cases, Alaska.

Wash., D. C., Wednesday, September 15, 1909.

Expenses, none.

Conferred with Chief Field Service and continued compilation of data and exhibits in Cunningham coal cases, Alaska.

Wash., D. C., Thursday, September 16, 1909.

Expenses: J. S. Topham, Wash., D. C., one suit case for Govt. use, \$14.50.

Conferred with Chief Field Service and compiled data in re Cunningham coal case, Alaska.

Wash., D. C., Friday, September 17, 1909.

Expenses: Terminal Taxicab Co., fare house to station (Wash., D. C.), \$1.50; check stand at station, \$0.20.

Conferred with Chief Field Service in re Cunningham coal case, Alaska. Issued T. R. 23619 (\$73.35), fare Wash., D. C., to Seattle, Wash., on Canadian Pacific R. R.; also T. R. 23620 (\$4.50) Pullman berth Wash., D. C., to Chicago, Ill. Left Wash., D. C., at 1.30 p. m.

En route to Seattle, Wash., Saturday, September 18, 1909.

Expenses: Porterage, .25; cab to Ill. Central Station, .50.

On B. & O. R. R. en route from Wash., D. C., to Seattle, Wash., Canadian Pacific route. Arrived Chicago, Ill., 7.15 a. m. Issued T. R. 23621 (\$2.00) Pullman berth, Chicago, Ill., to St. Paul, Minn. Left Chicago 6.30 p. m., Soo Line R. R.

St. Paul, Minn., Sunday, September 19, 1909.

Expenses: Bus fare to hotel, .50; porterage, .25.

Arrived at St. Paul 11 a. m.; missed connections by wreck; several hours late; no train until 10 a. m. to-morrow. Issued T. R. 23622 (\$12.00) Pullman berth, St. Paul, Minn., to Seattle, Wash.

En route to Seattle, Wash., Monday, September 20, 1909.

Expenses: Porterage, .25.

On Canadian Pacific R. R., en route to Seattle, Wash.

En route to Seattle, Wash., Tuesday, September 21, 1909.

Expenses: Porterage, .25.

En route on Canadian Pacific R. R. to Seattle, Wash.

En route to Seattle, Wash., Wednesday, September 22, 1909.

Expenses: Porterage, .25.

On Canadian Pacific R. R. en route to Seattle, Wash.

En route to Seattle, Wash., Thursday, September 23, 1909.

Expenses: Cab fare station to hotel, .25.

Arrived Seattle, Wash., 9.30 p. m.

Seattle, Wash., Friday, September 24, 1909.

Expenses, none.

Spent day working on Cunningham coal case, Alaska. Conferred with Agents Kennedy and Stoner in re above, who are now working on reports and maps of group.

Seattle, Wash., Saturday, September 25, 1909.

Expenses, none.

Continued working on Cunningham coal case, with Agents Kennedy and Stoner. Wired district forester, Portland, Oreg., in re same, in response to his wire this date. Wired Chief Field Service, Helena, Mont., in re his mail. Interviewed Atty. Gray in re hearings in above. Interviewed Mr. Pierce, Forest Service, in re above.

Seattle, Wash., Sunday, September 26, 1909.

Expenses, none.

With Special Agents Kennedy and Stoner continued work on Cunningham case.

Seattle, Wash., Monday, September 27, 1909.

Expenses, none.

With Agents Kennedy and Stoner continued work on Cunningham coal case, Alaska. Rec'd telegram from Commr. G. L. O. in re above.

4619 Seattle, Wash., Tuesday, September 28, 1909.

Expenses, none.

Wired Commr. G. L. O. twice in re Cunningham coal case, Alaska, in reply to his letter of 17th inst and telegram of 27th inst. With Agents Kennedy & Stoner continued work on Cunningham coal case, Alaska.

Seattle, Wash., Wednesday, September 29, 1909.

Expenses, none.

With Agents Stoner and Kennedy spent day working on Cunningham coal case, Alaska, preparing maps and reports. Wrote Dist. Forester, Portland, Oregon, in re Cunningham case.

Seattle, Wash., Thursday, September 30, 1909.

Expenses, notarial fee, monthly acct., \$0.50.

With Agents Kennedy & Stoner spent day working on exhibits and reports in Cunningham coal case.

*Daily reports for October, 1909.*

[All signed "James M. Sheridan, special agent."]

Seattle, Wash., Friday, October 1, 1909.

Expenses, none.

With Agents Kennedy and Stoner spent day working on maps and reports in Cunningham case, Alaska. Wired Comm'r in re above.

Seattle, Wash., Saturday, October 2, 1909.

Expenses, none.

With Agents Kennedy and Stoner spent day working on maps and reports in Cunningham coal case, Alaska.

Seattle, Wash., Sunday, October 3, 1909.

Expenses, none.

Wrote dist. forester, Portland, Oregon, in re reports by Forestry men on Cunningham coal case, Alaska. Continued study law bearing on case.

Seattle, Wash., Sunday, October 3, 1909.

Expenses, none.

Wrote dist. forester, Portland, Oregon, in re reports of forest officials on Cunningham coal group, Alaska. Wrote Commissioner G. L. O. in re telegrams of Sept. 28 and Oct. 1, 1909, in re above.

Seattle, Wash., Monday, October 4, 1909.

Expenses, none.

Wrote Commissioner G. L. O. in re appointment of Stenographer Kirstein. Continued study of Cunningham coal cases, Alaska.

Seattle, Wash., Tuesday, October 5, 1909.

Expenses, none.

Dictated outlines of evidence and continued study of Cunningham coal cases, Alaska. Wrote chief field division, Portland, Oregon, in re Special Agent H. T. Jones as witness in above. Wrote M. D. McEniry, Denver, Colo., in re accounts.

Seattle, Wash., Wednesday, October 6, 1909.

Expenses, none.

Wrote G. L. O. in re per diem during hearings; also in re letter from Agent Kennedy to Glavis. W. B. Pugh, G. L. O., arrived and with him drafted stipulations.

Seattle, Wash., Thursday, October 7, 1909.

Expenses, none.

Wrote John P. Jay, Wallace, Idaho, in re Cunningham coal cases, Alaska. Spent day systematizing data and evidence in re Cunningham coal cases, Alaska.

Seattle, Wash., Friday, October 8, 1909.

Expenses, none.

Continued study of Cunningham coal cases, Alaska, copying powers of atty. in above cases, and compiling data and systematizing evidence.

Seattle, Wash., Saturday, October 9, 1909.

Expenses, none.

Continued study of Cunningham coal cases, Alaska, systematizing evidence and compiling data.

Seattle, Wash., Sunday, October 10, 1909.

Expenses, none.

Continued study of Cunningham coal cases, Alaska, systematizing evidence and compiling data.

Seattle, Wash., Monday, October 11, 1909.

Expenses, none.

Continued study of Cunningham coal cases, Alaska, systematizing evidence and compiling data.

4620 Seattle, Wash., Tuesday, October 12, 1909.

Expenses, none.

Wrote S. J. Coulter, chief field division, Duluth, Minn., to interview Special Agent Bowman in re Cunningham coal cases, Alaska. Continued work on Cunningham coal cases. Wrote Chief Field Service Schwartz in re interview with telegraph companies.

Seattle, Wash., Wednesday, October 13, 1909.

Expenses, paid Otto A. Case, Seattle, Wash., county auditor, for certified copy arts. of incorporation of Behring River Ry., Alaska, \$2.00.

Interviewed Messrs. Langelle, Ames, and Pierce, of Forest Service, in re Cunningham coal cases, Alaska, going over their reports with them in detail.

Seattle, Wash., Thursday, October 14, 1909.

Expenses, none.

Continued work on Cunningham coal cases, Alaska. Interviewed Messrs. Langelie, Pierce, and Wingate, Forest Service, in re Cunningham coal cases, Alaska.

Seattle, Wash., Friday, October 15, 1909.

Expenses, taxicab fare, self and Pugh, office to station, \$0.70; Seattle Taxicab Company, Seattle, Wash.

Continued study Cunningham coal cases, Alaska. Notice to produce dictated copies Kennedy's report made. Wrote charges in revised form. Issued T. R. 23623 (\$52.20), fare, self and Pugh, Seattle, Wash., to Wallace, Idaho, and return, N. P. R. R.; also T. R. 23624 (\$5.00) to Pullman Co., two berths, same trip, self and Pugh, Seattle, Wash., to Wallace, Idaho.

Wallace, Idaho, Saturday, October 16, 1909.

Expenses, none.

Arrived Wallace, Idaho, about 5 p. m., in company with W. B. Pugh. Conferred with Atty. John P. Gray in re stipulations in Cunningham coal cases, Alaska.

Spokane, Wash., Sunday, October 17, 1909.

Expenses, none.

Left Wallace, Idaho, at 7.30 a. m. Arrived Spokane, Wash., 12 m. No train until 7.30 p. m. Issued T. R. 23625 (\$5.00) two berths, Pullman Co., Spokane, Wash., to Seattle, Wash., for self and W. B. Pugh. Left Spokane for Seattle at 7.30 p. m.

Seattle, Wash., Monday, October 18, 1909.

Expenses, portage, Pullman sleeper, \$0.25.

Arrived Seattle, Wash., at 9 a. m. Spent day working on Cunningham coal cases, Alaska. Interviewed Mgr. Western Union Tel. Co. in re leakage. Wrote Chief Field Service in re Cunningham case (Bowman). Interviewed Messrs. Shaw and Pierce, Forest Service, in re Cunningham coal cases, Alaska.

Seattle, Wash., Tuesday, October 19, 1909.

Expenses, none.

Wrote Chief Field Service & chief field div., Portland, Oregon, in re Cunningham coal cases, Alaska. Interviewed Messrs. Shaw and Pierce in re Cunningham coal case, Alaska.

Seattle, Wash., Wednesday, October 20, 1909.

Expenses, none.

Interviewed T. P. McDonald, of Alaska, in re Alaskan coal situation. Wrote two letters Chief Field Service in re Cunningham coal cases, Alaska. Continued work on Cunningham coal cases, Alaska.

Seattle, Wash., Thursday, October 21, 1909.

Expenses, none.

Continued work on Cunningham coal case, Alaska. Wrote John P. Gray in re above. Interviewed John P. Gray in re above.

Seattle, Wash., Friday, October 22, 1909.

Expenses, none.

Continued work on Cunningham coal case, Alaska. Interviewed Mr. Pierce, Forest Service, in re above. Wrote letter to Messrs. Shaw and Pierce, Forest Service, in re above.

Seattle, Wash., Saturday, October 23, 1909.

Expenses, none.

Continued work on Cunningham coal case, Alaska. Wrote Mr. Shaw, Forest Service, in re above, two letters. Interviewed Mr. Smith, Spokesman Review, in re his information on Wingate report. Wrote Mr. Schwartz in re above. Wrote E. T. Allen, Forest Service, in re above.

Seattle, Wash., Sunday, October 24, 1909.

Expenses, none.

Continued work on Cunningham coal case, Alaska. Wrote Schwartz in re above.

Seattle, Wash., Monday, October 25, 1909.

4621 Expenses, none.

Continued work on Cunningham coal case, Alaska. Wrote Commissioner G. L. O. in re above. Wrote L. R. Glavis in re above. Interviewed H. R. Harriman in re Alaskan situation generally. Wrote Schwartz in re Harriman interview.

Seattle, Wash., Tuesday, October 26, 1909.

Expenses, none.

Continued work on Cunningham coal case, Alaska.

Seattle, Wash., Wednesday, October 27, 1909.

Expenses, none.

Continued work on Cunningham cases, Alaska. Wrote Schwartz five letters in re above.

Seattle, Wash., Thursday, October 28, 1909.

Expenses none.

Continued work on Cunningham coal cases, Alaska. Wrote Schwartz two letters in re above.

Seattle, Wash., Friday, October 29, 1909.

Expenses none.

Continued work on Cunningham coal cases, Alaska. Interviewed Messrs. Shaw & Pierce, Forest Service, in re above. Wrote Schwartz in re above. Wrote Shaw & Pierce.

Seattle, Wash., Saturday, October 30, 1909.

Expenses none.

Spent day working on Cunningham coal cases, Alaska. Wrote two letters to Schwartz in re above. Conferred with Geologist Fisher in re his report on above.

Seattle, Wash., Sunday, October 31, 1909.

Expenses, notarial fee, oath monthly acct., \$0.50.

Continued work on Cunningham coal cases, Alaska.

### *Daily reports for November, 1909.*

[All signed "James M. Sheridan," special agent.]

Seattle, Wash., Monday, November 1, 1909.

Wrote five letters in re Cunningham case. Dictated memo. in re interview with C. H. Fisher, Geol. Survey, in re above case. Interviewed Fisher in re above case. Continued work on Cunningham coal case, Alaska.

Seattle, Wash., Tuesday, November 2, 1909.

Continued work on Cunningham coal case, Alaska. Wrote A. R. Bowman in re missing letters from above case.

Seattle, Wash., Wednesday, November 3, 1909.

Continued work on Cunningham coal case, Alaska. Wrote Chief Field Service in re above three letters. Wrote Christensen in re my accts.

Seattle, Wash., Thursday, the 4th day of November, 1909.

Continued work on the Cunningham coal case, Alaska. Wrote four letters to chief field service in above. Also wrote two other official letters to Shaw and Pierce.

Seattle, Wash., Friday, the 5th day of November, 1909.

Paid R. Hovey, mgr. Electric Blue Print Co., Seattle, Wash., for nine prints for use Cunningham coal case, \$2.80.

Continued work on Cunningham coal case, Alaska. Wrote four letters in re above.

Seattle, Wash., Saturday, the 6th day of November, 1909.

Spent day working on Cunningham coal case, Alaska. Wrote letter to Christensen in re above; also letter to Shaw and Pierce.

Seattle, Wash., Sunday, November 7, 1909.

Continued work on Cunningham coal case, Alaska. Wrote Chief Field Service in re above.

Seattle, Wash., Monday, November 8, 1909.

Continued work on Cunningham case, Alaska. Wrote two letters to Chief Field Service in re above. Interviewed E. C. Hughes and Clarence Cunningham in re stipulations.

Seattle, Wash., Tuesday, November 9, 1909.

Continued work on Cunningham case, Alaska. Wrote Chief Field Service in re above.

Seattle, Wash., Wednesday, the 10th day of November, 1909.

Continued work on Cunningham coal case, Alaska.

Seattle, Wash., Thursday, the 11th day of November, 1909.

Continued work on Cunningham coal case, Alaska. Wrote Baker, Cheyenne, Wyoming, in re above.

Seattle, Wash., Friday, the 12th day of November, 1909.

4622 Expenses, notarial fee, affidavit of Sp. Agt. Bowman in re lost Cunningham papers, .50. Registered letter to L. R. Glavis, .10.

Wrote L. R. Glavis in re his testimony in Cunningham coal case, Alaska. Continued work on Cunningham coal case, Alaska.

Seattle, Wash., Saturday, the 13th day of November, 1909.

Expenses: Notarial fee, oath of Ella Shartell to affidavit in re lost papers Cunningham coal case, Alaska, \$0.50.

Wrote three letters in re Cunningham coal case, Alaska.

Continued work on Cunningham coal case, Alaska.

Seattle, Wash., Sunday, the 14th day of November, 1909.

Continued work on Cunningham coal case, Alaska. Wrote Chief Field Service in re above; dictated memoranda in re above.

Seattle, Wash., Monday, the 15th day of November, 1909.  
 Wrote three letters to Chief Field Service in re Cunningham coal case, Alaska.  
 Continued work on Cunningham coal case, Alaska.  
 Seattle, Wash., Tuesday, the 16th day of November, 1909.  
 Continued work on Cunningham coal case, Alaska.  
 Seattle, Wash., Wednesday, the 17th day of November, 1909.  
 Continued work on Cunningham coal case, Alaska.  
 Seattle, Wash., Thursday, the 18th day of November, 1909.  
 Commenced inquiry into validity of Cunningham coal entries, Alaska.  
 Seattle, Wash., Friday, the 19th day of November, 1909.  
 Continued taking testimony Cunningham inquiry, Alaska.  
 Seattle, Wash., Saturday, the 20th day of November, 1909.  
 Continued taking testimony Cunningham inquiry, Alaska.  
 Seattle, Wash., Sunday, the 21st day of November, 1909.  
 Spent day in office working on evidence in Cunningham coal case, Alaska.  
 Seattle, Wash., Monday, the 22nd day of November, 1909.  
 Resumed taking of testimony in Cunningham coal inquiry, Alaska. Wrote chief field div., Portland, Oregon, in re above. Interviewed F. F. Evans, of Seattle, Wash., in re above case.  
 Seattle, Wash., Tuesday, November 23, 1909.  
 Continued taking of testimony Cunningham coal inquiry, Alaska. Wired R. & R., Juneau, Alaska, in re Cunningham coal case, Alaska.  
 Seattle, Wash., Wednesday, November 24, 1909.  
 Continued taking of testimony Cunningham coal inquiry, Alaska.  
 Wired Chief Field Div., Cheyenne, Wyoming, in re Cunningham coal case, Alaska.  
 Wired G. L. O. in re Stenographer Greene.  
 Seattle, Wash., Thursday, November 25, 1909.  
 (Thanksgiving.) Spent part of day working in office on evidence Cunningham coal case, Alaska. Wrote M. S. Hibbard, Denver, Colo., inclosing Geological Survey coal statistics.  
 Seattle, Wash., Friday, November 26, 1909.  
 Resumed taking of testimony in Cunningham coal inquiry, Alaska.  
 Seattle, Wash., Saturday, November 27, 1909.  
 Continued taking testimony in Cunningham coal inquiry, Alaska.  
 Adjourned inquiry to Spokane, Wash., for Dec. 2, 1909, at 10 a. m.  
 Seattle, Wash., Sunday, November 28, 1909.  
 Worked in office all day on evidence Cunningham coal case, Alaska.  
 Seattle, Wash., Monday, November 29, 1909.  
 Paid Louis Larsen, Seattle, Wash., for transfer of trunk full of Govt. records to station, \$0.75.  
 Wrote Chief Field Service in re Stenographers Carter and Greene. Continued work on evidence Cunningham coal case, Alaska.  
 Seattle, Wash., Tuesday, November 30, 1909.  
 Expenses, notarial fee monthly acct., \$0.50.  
 Continued work on evidence Cunningham coal case, Alaska. Made out monthly acct., November, 1909. Wrote Commr. G. L. O. in re monthly acct.

*Daily reports for December, 1909.*

[All signed "James M. Sheridan," special agent.]

Seattle, Wash., Wednesday, December 1, 1909.  
 Expenses, Seattle Taxicab Co., Seattle, Wash., transfer self and grips hotel to station, \$0.60.  
 Spent day preparing for departure to Spokane, Wash., to resume taking of testimony in Cunningham coal case, Alaska.  
 4623 Issued T. R. 33876 (\$40.80) and 33877 (\$10.00) fares and berths, respectively, for J. M. Sheridan, W. B. Pugh, W. J. McGee, and J. M. Palmer, from Seattle, Wash., to Spokane, Wash., on N. P. R. R.  
 Spokane, Wash., Thursday, December 2, 1909.  
 Expenses, bus fare station to hotel, \$1.15.  
 Arrived Spokane, Wash., 9 a. m. Resumed Cunningham coal inquiry, Alaska, at 2 p. m. Wrote 3 letters official business. Sent telegram to Chief Field Service.  
 Spokane, Wash., Friday, December 3, 1909.  
 Continued taking testimony Cunningham coal case, Alaska. Sent telegram to G. L. O. in re Special Agent A. R. Bowman.  
 Seattle, Wash., Saturday, December 4, 1909.  
 Continued taking of testimony in Cunningham coal cases, Alaska.

Spokane, Wash., Sunday, December 5, 1909.

Wrote two letters to G. L. O. in re Cunningham coal case, Alaska.

Spokane, Wash., Monday, December 6, 1909.

Continued taking testimony Cunningham coal case, Alaska. Wrote Christensen returning official papers taken by mistake.

Spokane, Wash., Tuesday, December 7, 1909.

Continued taking testimony Cunningham coal case, Alaska. Wrote Chief Field Service on official business.

Spokane, Wash., Wednesday, December 8, 1909.

Continued taking testimony Cunningham coal case, Alaska.

Spokane, Wash., Thursday, December 9, 1909.

Continued taking testimony Cunningham coal case, Alaska.

Spokane, Wash., Friday, December 10, 1909.

Continued taking testimony Cunningham coal case, Alaska. Wrote F. L. Spaulding in re accounts.

Saturday, December 11, 1909.

Spokane, Wash.

Continued taking testimony, Cunningham coal case, Alaska.

Monday, December 13, 1909.

Spokane, Wash.

Continued taking testimony, Cunningham coal case, Alaska.

Tuesday, December 14, 1909.

Spokane, Wash.

Continued taking testimony, Cunningham coal case, Alaska. Completed all witnesses at this point today, about 4 o'clock p. m. Adjourned to meet at call of Special Commissioner W. J. McGee; time and place to be fixed by him.

Wednesday, December 15, 1909.

Spokane, Wash.

Spent day assisting in completing record in Cunningham coal inquiry, Alaska, prior to adjournment.

Thursday, December 16, 1909.

Great Northern R. R., en route to Wash., D. C.

Expenses, bus fare, hotel to station, .15.

Issued T. R. 33878 (\$192.60), fare for J. M. Sheridan, W. J. McGee, and C. A. Kirstein, G. L. O., from Spokane, Wash., to Washington, D. C.; issued T. R. 33789 (\$23.00), two Great Northern berths for Sheridan & McGee, Spokane, Wash., to Chicago, Ill.; issued T. R. 33880 (\$9.50), Great Northern berth for Chas. Kirstein, Spokane, Wash., to St. Paul, Minn.; issued T. R. 33881 (\$10.20), fare for James M. Palmer, stenographer, Cunningham coal inquiry, Spokane, Wash., to Seattle, Wash.; issued T. R. 33882 (\$2.50), Great Northern berth for Palmer, Spokane, Wash., to Seattle, Wash. Left Spokane, en route for Wash., D. C., at 8 a. m.

Friday, December 17, 1909.

En route to Wash., D. C.

Expenses, none.

On Great Northern R. R., en route to Wash., D. C.

Saturday, December 18, 1909.

En route to Wash., D. C.

Expenses, none.

On Great Northern R. R., en route to Wash., D. C.

Sunday, December 19, 1909.

Chicago, Ill., en route to Wash., D. C.

Expenses, portorage, \$0.25.

Our train late, hence failed to connect with regular train last night at 11.25 p. m.

Took Penn. Ry. for Wash., D. C., at 10.30 a. m. to-day.

Monday, December 20, 1909.

En route to Wash., D. C.

On Penn. Ry. to Wash., D. C.

4624 Tuesday, December 21, 1909.

Washington, D. C.

Arrived Wash., D. C., at 12 noon. Spent afternoon conferring with Chief of Field Service and attending to personal correspondence.

Wednesday, December 22, 1909.

Washington, D. C.

Awaiting reply to Special Commr. McGee's telegram to attys. Cunningham coal case, Alaska, in re departure for Paris, France.

Washington, D. C., Thursday, December 23, 1909.

Awaiting word from attys., Cunningham coal case, Alaska, in re departure for Paris, France.

Washington, D. C., Friday, December 24, 1909.

Awaiting word from attys., Cunningham coal case, Alaska, in re departure for Paris, France.

Washington, D. C., Saturday, December 25, 1909.

Expenses, none.

Awaiting word from attys., Cunningham coal cases, Alaska, in re departure for Paris, France.

*Daily reports for January, 1910.*

[All signed "James M. Sheridan," special agent.]

Washington, D. C., Monday, January 10, 1910.

Was on leave from Dec. 27, 1909, to January 9, 1910, both dates inclusive. Reported for duty to-day at 9 a. m. Awaiting boat for Paris, France, to sail 19th instant.

Washington, D. C., Monday, January 10, 1910.

Awaiting boat for Paris, France, to sail 19th inst., in re Cunningham coal cases, Alaska. Conferred with Pugh and McGee in re trip.

Washington, D. C., Tuesday, January 11, 1910.

Awaiting boat for Paris, France, to sail 19th inst. Conferred with McGee in re trip.

Washington, D. C., Wednesday, January 12, 1910.

Awaiting boat for Paris, France, to sail 19th inst. Took affidavit of Michael Giltrud, at Soldiers' Home, in re his H. E. 33116, Bismarck land dist., North Dakota.

Washington, D. C., Thursday, January 13, 1910.

Awaiting boat for Paris, France, to sail 19th inst. Studying decisions bearing on Alaska coal cases.

Washington, D. C., Friday, January 14, 1910.

Awaiting boat for Paris, France, to sail 19th inst. Studying decisions in re Alaska coal cases, and regulations.

Washington, D. C., Saturday, January 15, 1910.

Awaiting boat for Paris, France, to sail 19th, in re Cunningham coal cases, Alaska.

Washington, D. C., Monday, January 17, 1910.

Awaiting "Lusitania," sailing 19th inst.

New York City, N. Y., en route to Paris, France, Tuesday, January 18, 1910.

Expenses, Riggs House transfer, trunk to station, .50. Pullman Co., chair from Wash., D. C., to N. Y., 1.25. Bus fare station to hotel, N. Y. City, .50.

Left Wash., D. C., on Penn. R. R. for New York City at 11 a. m., on T. R. issued by Wm. J. McGee, who accompanied me. Arrived in N. Y. City at about five p. m. & spent night there.

On board S. S. *Lusitania* en route to Paris, France, Wednesday, January 19, 1910.

Expenses, portage, .25.

En route to Paris via Liverpool & London, England.

On board S. S. *Lusitania*, Thursday, January 20, 1910.

Expenses, portage, .25.

En route to Paris, France.

On board S. S. *Lusitania*, Friday, January 21, 1910.

Expenses, portage, .25.

En route to Paris, France.

On S. S. *Lusitania*, Saturday, January 22, 1910.

Expenses, portage, .25.

En route to Paris, France.

On S. S. *Lusitania*, Sunday, January 23, 1910.

Expenses, portage, .25.

En route to Paris, France.

On S. S. *Lusitania*, Monday, January 24, 1910.

Expenses, portage, .25.

4625 En route to Paris, France.

On S. S. *Lusitania*, Tuesday, January 25, 1910.

Expenses, portage, .25.

En route to Paris, France. Arrived at Liverpool.

London, England, Wednesday, January 26, 1910.

Expenses, portage, .25, cab fare, station to hotel, .50.

En route to Paris, France. Disembarked at Liverpool and proceeded to London.

London, England, Thursday, January 27, 1910.

No paquet to France, due to storms.

Paris, France, Friday, January 28, 1910.

Expenses: Baggage to station, England, \$.25; excess baggage, London to Paris, France, \$.80; baggage, station to hotel, Paris, France, \$1.25.

Left London at 8 a. m., via Dover & Calais, for Paris; arrived Paris 6 p. m.



Paris, France, Saturday, January 29, 1910.

Expenses, none.

In company with W. J. McGee, interviewed consul-general of U. S., Mr. F. H. Mason, in re taking of testimony. Set for Monday. Stenographer not available sooner.

Paris, France, Sunday, January 30, 1910.

Sunday.

Paris, France, Monday, January 31, 1910.

Expenses, none.

Took deposition of A. B. Campbell, of Spokane, Washington, U. S. A. Temporarily in France, in re Cunningham coal cases, Alaska.

*Daily reports for February, 1910.*

[All signed "James M. Sheridan, special agent."]

Paris, France, Tuesday, Feb. 1, 1910.

Awaiting transcription of testimony of A. B. Campbell by stenographer.

Paris, France, Wednesday, Feb. 2, 1910.

Transcript of testimony of A. B. Campbell corrected. No train for Rome, Italy, due to floods. Must go there to take testimony of B. C. Riblet, entryman in Cunningham coal case, Alaska.

Paris, France, Thursday, Feb. 3, 1910.

Awaiting train to Rome. Delayed by floods.

Paris, France, Friday, Feb. 4, 1910.

Awaiting train to Rome, Italy; wired chief field service on official business.

Paris, France, Saturday, Feb. 5, 1910.

Awaiting train for Rome, Italy.

Paris, France, Sunday, Feb. 6, 1910.

Expenses: Bus fare, hotel to station, \$0.40. Paris-Lyons-Mediterranean Ry. (part of fare), \$3.80. Sleeper, same trip, Paris to Rome, same ry., \$10.00. Excess baggage, Paris-Lyons-Mediterranean Ry., on one trunk, Paris to Rome, Italy, \$1.40.

En route from Paris to Rome, leaving Paris at 9 p. m. on Paris-Lyons-Mediterranean Ry. Co.

En route to Rome, Italy, Monday, Feb. 7, 1910.

Expenses: Portage, \$0.25.

On Paris-Lyons-Mediterranean Ry., en route from Paris, France, to Rome, Italy.

Rome, Italy, Tuesday, Feb. 8, 1910.

Expenses: Portage, \$0.25. Bus fare, station to hotel, Rome, \$0.40.

Arrived Rome, Italy, 7 p. m.

Rome, Italy, Wednesday, February 9, 1910:

In search of stenographer to take testimony of B. C. Riblet, entryman Cunningham coal cases, Alaska. Interviewed Consul Coleman in re stenographer; ditto American Ambassador Leishman.

Rome, Italy, Thursday, February 10, 1910:

Took testimony of B. C. Riblet in re Cunningham coal cases, Alaska.

Rome, Italy, Friday, February 11, 1910:

Awaiting transcription of testimony of B. C. Riblet by stenographer.

Rome, Italy, Saturday, February 12, 1910:

Testimony of B. C. Riblet transcribed and corrected and signed this date.

Rome, Italy, Sunday, February 13, 1910.

Awaiting S. S. "Carmania," to sail for U. S. from Naples on 17th inst.

Rome, Italy, Monday, February 14, 1910.

Awaiting S. S. "Carmania," to sail for U. S. from Naples on 17th inst.

Naples, Italy, Tuesday, February 15, 1910.

4626 Expenses, Bus fare, hotel to train, Rome, \$0.50. Train to hotel, Naples, \$0.40.

Excess baggage, one trunk, Rome to Naples, \$2.60.

Left Rome at 8.10 p. m. Arrived Naples, 11.45 p. m.

Naples, Italy, Wednesday, February 16, 1910.

Awaiting departure of "Carmania," which sails for U. S. to-morrow.

On board S. S. *Carmania*, Thursday, February 17, 1910.

Expenses: Bus fare, hotel to boat, Naples, \$0.50

En route to U. S. Left Naples, Italy, on S. S. "Carmania" at 9 a. m.

On board S. S. *Carmania*, Friday, Feb. 18, 1910.

Expenses: Portage, \$0.25.

En route to U. S.

On board S. S. *Carmania*, Saturday, Feb. 19, 19—.

Expenses: Portage, \$0.25.

En route to U. S.

On board S. S. *Carmania*, Sunday, Feb. 20, 1910.

Expenses: Portage, \$0.25.

En route to U. S.

On board S. S. *Carmania*, Monday, February 21, 1910.

Expenses: Portage, \$0.25.

En route to U. S.

On board S. S. *Carmania*, Tuesday, February 22, 1910.

Expenses: Portage, \$0.25.

En route to U. S.

On board S. S. *Carmania*, Wednesday, February 23, 1910.

Expenses: Portage, \$0.25.

En route to U. S.

On board S. S. *Carmania*, Thursday, February 24, 1910.

Expenses: Portage, \$0.25.

En route to U. S.

On board S. S. "*Carmania*," Friday, February 25, 1910.

Expenses: Portage, \$0.25.

En route to U. S.

On board S. S. "*Carmania*," Saturday, February 26, 1910.

Expenses: Portage, \$0.25.

En route to U. S.

On board S. S. "*Carmania*," Sunday, February 27, 1910.

Expenses: Portage, \$0.25.

En route to U. S.

On board S. S. "*Carmania*," Monday, February 28, 1910.

Expenses: Portage, \$0.25.

En route to U. S.

#### *Daily reports for March, 1910.*

[All signed "James M. Sheridan, special agent."]

On board S. S. *Carmania*, Tuesday, March 1, 1910.

En route to U. S.

New York Harbor, Wednesday, March 2, 1910.

Arrived New York City at 4 p. m.

New York City, Thursday, March 3, 1910.

Expenses: Penn. R. R. fare, N. Y. to Wash., D. C., \$5.65; Pullman Co., one berth, N. Y. to Wash., D. C., \$2.

Interviewed Attys. Hughes & Gray in re resumption of hearings. Wired commissioner in re above. Left N. Y. for Wash., D. C., on Penn. Ry. at 10.10 p. m.

Washington, D. C., Friday, March 4, 1910:

Expenses, portage, \$0.25.

Arrived Wash., D. C., 7.45 a. m. Conferred with Chief of Field Service & Atty. Pugh in re resumption of Cunningham coal hearing.

Washington, D. C., Saturday, March 5, 1910:

In conference with Chief of Field Service in re testimony given before congressional committee bearing on Cunningham coal cases.

Washington, D. C., Monday, March 7, 1910.

In conference with Chief Field Service in re Cunningham coal cases. McGee & Pugh left Sunday night for New York to take testimony of Chas. Sweeney, entryman in above group.

4627 On train, en route from Washington, D. C., to Cleveland, Ohio, Tuesday, March 8, 1910:

Issued T. R. 33884 (\$22.00) for self and Chas. Kirstein fare B. & O. Ry., Wash., D. C., to Cleveland, Ohio. Issued T. R. 33885, Pullman Co., 2 berths for self and Kirstein, same trip (\$5.00). Left Wash., D. C., at 5.35 p. m.

Cleveland, Ohio, Wednesday, March 9, 1910.

Expenses: Bus fare, station to hotel (self and Kirstein) \$0.75.

Arrived Cleveland 8.30 a. m. Interviewed U. S. Dist. Atty. Day in re accommodations for hearing. Attended hearing Cunningham Coal Cases with McGee & Pugh.

Cleveland, Ohio, Thursday, March 10, 1910.

Attended hearing Cunningham Coal Case, Alaska.

En route from Cleveland to Washington, D. C., Friday, March 11, 1910.

Recalled to Washington, D. C., by telegram for conference in re Cunningham coal case. Issued T. R. 33886 (\$11.00), fare Cleveland, Ohio, to Washington, D. C., Penn. R. R. Issued T. R. 33887 (\$2.50), Pullman berth, Cleveland, Ohio, to Wash., D. C. Left Cleveland at 5.10 p. m.

Washington, D. C., Saturday, March 12, 1910.

Expenses: Portage, \$0.25.

In conference with Atty. Vertrees, Sec. of Interior, Atty. Rasch, and Mr. Schwartz in re Cunningham coal cases; matter of testimony given before Congr. committee. Arrived Washington, D. C., 8 a. m.

En route to Cleveland, Ohio, from Washington, D. C., Sunday, March 13, 1910.

Left Washington, D. C., for Cleveland, Ohio, 5.10 p. m. Issued T. R. 33888 (\$11—fare paid \$2.50—Pullman berth both on one T. R.). Issued at Union Station; hence both fare and berth on one.

Cleveland, Ohio, Monday, March 14, 1910.

Expenses, portage, \$0.25.

Arrived Cleveland 8 a. m. Attended hearing Cunningham case. Cleveland testimony completed to-day. Issued T. R. 33889 (\$9.00) Pullman drawing room for self and Kerstein, Cleveland, Ohio, to Wash., D. C. (no other accommodations on train). Also T. R. 33890 (\$22.50) for same trip, self & Kerstein, Penn. R. R. Left Cleveland 6.10 p. m.

Washington, D. C., Tuesday, March 15, 1910.

Expenses, portage, 0.25.

Arrived Wash., D. C., 8 a. m. Conferred with Chief Field Service in re Cunningham coal cases.

Washington, D. C., Wednesday, March 16, 1910:

Conferred with Attys. Hughes and Gray in re hearings in Cunningham cases. Telephoned Atty. Brandeis in re return of city to L. R. Glavis; informed he would be here to-morrow. Telephoned H. T. Jones in re his testimony in above case.

Washington, D. C., Thursday, March 17, 1910.

Took testimony of H. T. Jones in re Cunningham coal inquiry of Alaska. Interviewed Louis D. Brandeis by 'phone in re presence of L. R. Glavis as witness Cunningham coal inquiry. Informed Glavis not available until Monday.

Washington, D. C., Friday, March 18, 1910.

Expenses, Raleigh Hotel telephone, message to N. Y. City, 4 minutes, \$1.65.

Awaiting L. R. Glavis to testify Monday in Cunningham coal inquiry. Telephoned J. N. Steele, N. Y. City, in re his availability as witness same case. Reported on way to Wash., D. C.

Washington, D. C., Saturday, March 19, 1910.

Awaiting L. R. Glavis to testify as witness in Cunningham coal inquiry. Wrote Mr. Louis D. Brandeis in re presence of Glavis at Cunningham coal inquiry. In company with Chief Field Service interviewed Louis R. Glavis in presence of his atty., Brandeis, at Willard Hotel. In company with W. B. Pugh interviewed J. N. Steele, of N. Y., in re his testimony in Cunningham coal case. Interview occurred at 9.30 a. m. at Willard Hotel.

Washington, D. C., Monday, March 21, 1910.

Awaiting L. R. Glavis as witness in Cunningham coal inquiry. Says he can not be present until to-morrow.

Washington, D. C., Tuesday, March 22, 1910.

Took testimony of Louis R. Glavis in re Cunningham coal inquiry.

Washington, D. C., Wednesday, March 23, 1910.

Took testimony of H. K. Love, of Alaska, in re Cunningham coal inquiry.

Washington, D. C., Thursday, March 24, 1910.

Awaiting completion of testimony of J. N. Steele and Stephen Birch, of N. Y., before investigating committee before taking their testimony in Cunningham coal inquiry.

4628 Washington, D. C., Friday, March 25, 1910.

Awaiting J. N. Steele & Stephen Birch, of N. Y., as witnesses in Cunningham coal case.

Washington, D. C., Saturday, March 26, 1910.

Took testimony of Stephen Birch and J. N. Steele, of N. Y. City, in re Cunningham coal inquiry.

## PART V.

# POWER OF EXECUTIVE TO WITHDRAW PUBLIC LANDS FROM ENTRY.

1701

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
March 29, 1909.

The honorable the SECRETARY OF THE INTERIOR.

SIR: I submit herewith a memorandum upon the matter of the Secretary's supervisory authority, prepared in this office.

I think the last paragraph of this memorandum summarizes the matter fully and shows that the authority of the Secretary depends upon his views of the action required by the interests of the public service. The paragraph in question is expressed practically in the language used by the Supreme Court in its decisions upon this subject, and is as follows:

The one question which the Secretary of the Interior has to decide in every such case is whether the reservation to be made is required by "the exigencies of the public service" and whether it is within his powers, as expressed by the Supreme Court, to prescribe the rules necessary "for the purpose of justice and to prevent the consequences of inadvertence, irregularity, mistake, and fraud" and "to do justice to all claimants and preserve the rights of the people of the United States."

Very respectfully,

A. P. DAVIS, *Acting Director.*

[Memorandum.]

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
March 27, 1909.

### AUTHORITY OF THE EXECUTIVE TO RESERVE PUBLIC LANDS.

Secretary Lamar in connection with the Puyallup Indian Reservation held (10 L. D., 518) under the authority of *Wolcott v. Des Moines Co.* (5 Wall., 681) and *Grisar v. McDowell* (6 Wall., 363) found that the President by executive order can reserve a part of the public domain for a specific public purpose and referred to the following language of the Supreme Court in the decisions mentioned:

"From an early period in the history of the Government it has been the practice of the President to order, from time to time, as the exigencies of the public service required, parcels of land belonging to the United States to be reserved from sale and set apart for public use."

The same principle was enunciated in *Homestead Company v. Valley R. R.* (17 Wall., 153) and in *U. S. v. Leathers* (6 Sawyer, 20). In some cases the reservations were for military purposes, but establishing a reservation for Indians is equally a public purpose.

1702 In an opinion dated January 17, 1882 (17 Op., 258) Attorney-General Brewster, in commenting on the above decisions and others, stated:

"It appears from these authorities that not only has the President the power make reservations of public lands for public uses, but if the reservations are made by the heads of departments it will be presumed that the President has acted through them.

"In 5 Wallace, page 688, where the reservation in question was for the improvement of the Des Moines River in Iowa, the court says that the President was competent through the Secretary of the Interior to make the reservation, and that he had this power ever since the establishment of the Land Department.

"It has been shown above that the President has the power *generally* to reserve lands from the public domain for public uses."

This was also the opinion of Attorney-General MacVeagh (1 L. D., 30), who further stated:

"The question submitted, indeed, assumes the existence of the powers and suggests that there is doubt only as to whether it can be exercised with respect to lands which at the time are included in a preemption filing to homestead entry and to which steps have thus already been taken by an individual to acquire title under the general land laws.

"The power of the President, above adverted to, extends to lands which belong to the public domain of the United States and are subject to sale or other disposal under the general land laws. It is capable of being exercised with respect to such lands as long as they remain unappropriated and unreserved from the public domain, but no longer."

As to reservations of lands in Alaska, Assistant Attorney Shields, in an opinion dated June 17, 1890 (13 L. D., 426), held:

"The lands of Alaska are part of the public domain, and as such are subject to the supervision of the President as other public lands. There is no statute giving general authority to the President to reserve lands. But the right of the President to put public lands in reservation, so that all questions in reference to them might be properly considered, or as the exigencies of the public service demanded, or to aid in the execution of a proposed statute, has always been maintained by the courts."<sup>a</sup>

These opinions are based largely upon the case of *Grisar v. McDowell* (6 Wall., 380). That decision concludes as follows:

"It only remains to notice the objection taken to the authority of the President to make the reservation in question. The objection is twofold—first, that the lands reserved did not constitute any part of the public domain but were the property of the city, and were not, therefore, the subject of appropriation by order of the President for public purposes; and, second, if they did constitute a part of the public domain, they could only be reserved from sale and set apart for public purposes under the direct sanction of an act of Congress.

"The first objection has been sufficiently answered in considering the nature of the claim of the city. It was not a claim to a tract which has been specifically defined; it was a claim only to a specific quantity embracing, it is true, the site of the public and adjoining lands, but which has yet to receive its precise limits and bounds from the officers of the Government. Until this was done, the Government was not precluded from setting apart and appropriating any portions of the lands claimed which might be necessary for public uses. Until then the claim of the city was subservient to the right of the Government in this respect.

"On the other hand, if the lands were at the time a part of the public domain, as they must be considered to be, because they have been excluded from the lands confirmed to the city in satisfaction of the claim, it is of no consequence to the plaintiff whether or not the President possessed sufficient authority to make the reservations in question. It is enough that the title had not passed to the plaintiff, but remained in the United States. But further than this, from an early period in the history of the Government it has been the practice of the President to order, from time to time as the exigencies of the public service required, parcels of lands belonging to the United States to be reserved from sale and set apart for public uses.

"The authority of the President in this respect is recognized in numerous acts of Congress. Thus, in the preemption act of May 29, 1830, it is provided that the right of preemption contemplated by the act shall not 'extend to any land which is reserved from sale by act of Congress, or by *order of the President*, or which may have been appropriated for any purpose whatever.'<sup>b</sup>

"Again, in the preemption act of September 4, 1841, 'Lands included in any reservation by any treaty, law, or *proclamation of the President* of the United States, or 1703 reserved for salines or for other purposes,' are exempted from entry under the act.<sup>c</sup> So by the act of March 3, 1853, providing for the survey of the public lands in California, and extending the preemption system to them, it is declared that all public lands in that State shall be subject to preemption, and offered at public

<sup>a</sup> For further discussion, see Mem., 1 L. D., 702.

<sup>b</sup> 4 Stat. L., 421.

<sup>c</sup> 5 Stat. L., 456.

sale, with certain specific exception, and among others 'of lands appropriated under the authority of this act, or reserved by competent authority.'<sup>a</sup> The provisions in the acts of 1830 and 1841 show very clearly that by 'competent authority' is meant the authority of the President, and officers acting under his direction.<sup>b</sup>

"The action of the President in making the reservations in question was indirectly approved by the legislation of Congress in appropriating moneys for the construction of fortifications and other public works upon them. The reservations made at the same time embraced seven distinct tracts of land, and upon several of them extensive and costly fortifications and barracks and other public buildings have been erected."

4202

DEPARTMENT OF JUSTICE,  
OFFICE OF THE UNITED STATES ATTORNEY,  
SOUTHERN DISTRICT OF CALIFORNIA,  
Los Angeles, May 20, 1909.

SECRETARY OF THE INTERIOR,  
Washington, D. C.

SIR: The question has been presented as to the power of the Executive without specific statutory authority to withdraw public lands from settlement and entry under the laws of the United States, particular attention being directed to the following orders heretofore made:

1. For conservation of water resources, dated January 7th and 18th and February 27, 1909, whereby about 677,000 acres of land in Montana, Utah, and Oregon were "reserved from all forms of entry in order that they may be held available for the benefit of the public in connection with future development."

4203 2. For reservoirs and power plants, dated March 2, 1909, withdrawing "from disposal under any of the public land laws except the various right of way acts"

\* \* \* "made under the general supervisory authority of the Executive in order to make certain that these lands shall not be acquired wrongfully under other laws than the right of way acts, thus defeating the purpose of Congress, and also to give Congress opportunity to so change or modify the public land laws that these particular lands may be devoted to their best use."

3. For bird reservations by various orders made since March 13, 1903.

4. For winter game refuge, dated February 24, 1909, whereby over 138,000 acres of land in Wyoming were "withdrawn from all forms of location, disposal, and entry under the public land laws, pending proposed legislation looking to the creation of a winter game refuge."

5. Of coal lands in Alaska, dated November 12, 1906, modified November 27, 1906, and December 17, 1906, whereby about 8,000,000 acres of coal lands in Alaska were withdrawn "from entry under the coal land law merely."

6. Of coal lands, dated July 26, 1906, whereby over 68,000,000 acres situate in Colorado, Montana, New Mexico, Oregon, Utah, Washington, and Wyoming were "suspended and withdrawn from entry, filing, or selection under the public land laws." Of these lands about two-thirds have been restored to entry.

7. So-called "phosphate withdrawals," dated December 9, 1908, covering over 4,000,000 acres in Idaho, Wyoming, and Utah "in aid of proposed legislation affecting the disposal of phosphate deposits."

8. Of land included within areas proposed to be reclaimed under the reclamation act, dated July 27, 1908, and March 3, 1909, whereby over 570,000 acres of land theretofore drawn under the so-called "second form" were "withdrawn from all forms of entry under the supervisory authority of the Secretary of the Interior."

While some of the withdrawals specified are justifiable and were probably made upon other grounds, authority for all of them is evidently found in the following statement appearing in the report of the Secretary of the Interior for the year 1908:

"Full power under the Constitution was vested in the executive branch of the Government, and the extent to which that power may be exercised is governed wholly by the discretion of the Executive unless any specific act has been prohibited either by the Constitution or by legislation. In the exercise of this power it is the duty of the Executive to take such action as will protect the interests of all the people of the United States in their property rights, and, if the occasion requires, and the facts warrant, it is the duty of the Executive to prevent the acquisition of the public domain by private interest if such acquisition be detrimental to the public welfare."

<sup>a</sup> 10 id., 246.

<sup>b</sup> Wolcott v. Des Moines Co. (5 Wall., 688).

This sweeping declaration of executive authority involves a misconception of the entire theory of the Federal Constitution, which is not a limitation, but a delegation and enumeration of powers.

In *Cotting v. Goddard*, 183 U. S., 84, the Supreme Court said:

"It has been wisely and aptly said that this is a government of laws and not of men; that there is no arbitrary power located in any individual or body of individuals; but that all in authority are guided and limited by those provisions which the people have, through the organic law, declared shall be the measure and scope of all control exercised over them."

And in *Burfenning v. Railway Company*, 163 U. S., 319, the same court said:

The action of the Land Department cannot override the expressed will of Congress or convey away public lands in disregard or defiance thereof."

Article 1, section 8, paragraph 18, of the Constitution provides "that Congress shall have power \* \* \* to make all laws which shall be necessary and proper for carrying into execution the foregoing powers; and all other powers vested \* \* \* in the Government of the United States or in any department or officer thereof."

Article 4, section 3, provides that "the Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or property belonging to the United States;" and article 2, section 3, provides that the President "shall take care that the laws be faithfully executed."

"The term 'territory' as here (in section 3 of article 4) used is merely descriptive of one kind of property and is equivalent to the word 'lands,' and Congress has the same power over it as over any other property belonging to the United States, and this power is vested in Congress without limitation." (*United States v. Gratiot*, 14 Peters, 533.)

Mr. Justice Wilson, in his Lectures upon the Constitution of the United States (Works, volume 2, page 66), referring to the Executive Branch of the National Government, said:

"He (the President) is to take care that the laws are faithfully executed; \* \* \* in the Saxon Government the power of the first executive magistrate was also  
4204 twofold. \* \* \* The person at the head of the executive department had authority, not to make or alter or dispense with the laws, but to execute and act the laws which were established; and against this power there was no rising up, so long as it gadded not like an unfeathered arrow at random. On the whole, he was no other than a primum mobile set in a regular motion by laws which were established by the whole body of the nation."

In support of the foregoing he cites Bacon on Government at pages 32, 33, and 40, and that this Anglo-Saxon conception of executive authority was carried into our American institutions is demonstrated by the opinion in *Kendall v. United States*, 12 Peters, 524, wherein a writ of mandamus was sought to compel the Postmaster-General to carry into effect an act of Congress and the court said:

"It was urged at the bar that the Postmaster-General was alone subject to the direction and control of the President with respect to the execution of the duty imposed upon him by law; and this right of the President is claimed as growing out of the obligation imposed upon him by the Constitution to take care that the laws be faithfully executed. This is a doctrine that can not receive the sanction of the court. It would be vesting in the President a dispensing power which is not countenanced for its support in any part of the Constitution and is asserting a principle, which, if carried out in its results to all cases falling within it, would be clothing the President with a power entirely to control the legislation of Congress and paralyze the administration of justice."

By the laws of the United States, its citizens are accorded certain rights with reference to the acquisition of title to the public lands, and, under the Constitution, it is the duty of the President to see that these and all other laws are faithfully executed. To contend that the obligation thus imposed on the President implies a power to take steps which will render them inoperative is a construction which is entirely inadmissible. Of course, in pursuance of the duty to see the laws faithfully enforced, occasion may arise, or even be anticipated, for the use by the Government of parcels of the public domain, and, under such circumstances, it would be the province and duty of the President to make appropriate withdrawal and reservation. This authority is recognized in the case of *Gresar v. McDowell*, 6 Wall., 363, where the court said:

"From an early period in the history of the Government it has been the practice of the President to order from time to time, as the *exigencies of the public service required*, parcels of land belonging to the United States to be reserved from sale and set apart for public use."

If, however, in the absence of such exigency, and merely because in his opinion the general public welfare may be better subserved thereby, the Executive may withdraw any portion of the public domain from the operation of all or any of the

public land laws, then he may withdraw all lands therefrom; and the concession of any such authority involves the existence of that "dispensing power" which is denied by the decisions above referred to.

It would seem that upon general principles no general and unrestricted discretionary power to withdraw from the operation of the law because there is no expressed constitutional or statutory prohibition can be held to exist. But there is specific authority, both judicial and administrative, to the contrary.

"There can be no reservation of public lands from sale except by reason of some treaty, law, or authorized act of the executive department of the Government." (*Woolsey v. Chapment*, 101 U. S., 770.)

"The President, or a head of a department of the Government, can not reserve any public lands from sale except when authorized by some treaty, law, or authorization from Congress." (*United States v. Blendauer*, 122 Fed., 707.)

In the case of the Fort Boise Reservation, 6 Land Decision 16, the Secretary of the Interior had under consideration a reservation by the War Department of certain lands, exceeding in quantity the 630 acres authorized by the act of February 14, 1853, and Secretary Lamar used the following language:

"Will such an act take the lands out of the class of public lands and require their disposal by special enactment? To so hold would indicate that the Executive might, in violation of law, put in reserve for military purposes any amount of lands, and thus take them out of the operation of the general laws. To assert such a principle is to claim for the Executive power to repeal or alter the acts of Congress at will."

Of course, the situation there under consideration involved an express congressional limitation and the overriding of the same by the Executive; but it would seem that the difference is only one of degree between overriding a congressional enactment that no more than a given quantity of land shall be reserved for a specific authorized public use, and rendering nugatory all public laws permitting the acquisition of lands by citizens in the manner prescribed.

4205 "The power to dispose of the public lands is granted to Congress. No appropriation of them can be made for any purpose but by the authority of Congress." (*United States v. Tichenor*, 12 Fed., 422.)

A very carefully prepared memorandum upon several of the questions here involved, made by Mr. Finney, is submitted herewith, and with the several conclusions announced therein I am in entire accord.

Briefly, my views may be summarized as follows: No inherent power is vested in the President to withdraw public lands from the operation of the laws relating thereto, but such withdrawal can only be made by authority of law, or for a specific public use, or temporarily, in anticipation and for the purpose of accomplishing the objects of congressional action. In the latter case it would seem that the withdrawal should be canceled upon failure of the legislative department, after reasonable opportunity, to take the action desired or contemplated.

Respectfully,

OSCAR LAWLER,  
*Asst. Attorney-General.*

Dict. O. L.

1546

FRANK PIERCE,  
FIRST ASSISTANT SECRETARY.

[Copy.]

DEPARTMENT OF THE INTERIOR,  
OFFICE OF FIRST ASSISTANT SECRETARY,  
*Washington, July 31, 1909.*

MY DEAR MR. SECRETARY:

Senator Guggenheim has introduced S. 2984, a bill to grant certain lands to the town of La Junta, Colo., for an arid park. He wants the land withdrawn pending congressional action. There is no law authorizing the withdrawal of these lands. It has, however, occurred to us that you might wish to make the withdrawal upon the same basis that you are withdrawing power sites. I send the papers to you for your action. Other Congressmen have repeatedly in the past and are now asking for similar withdrawals. So far as I know the policy of the department has always been not to make such withdrawals. I have directed the Land Office to hold the land in status until you can settle the matter yourself.

Very respectfully, yours,

(Signed) FRANK PIERCE,  
*First Assistant Secretary.*

HON. RICHARD A. BALLINGER, LL. D.,  
*Secretary of the Interior, Seattle, Wash.*

P. S. Since dictating the above, Congressman Taylor, of Colorado, has asked us to withdraw two sections of land for a picnic ground in western Colorado.



1547

[Copy.]

THE SECRETARY OF THE INTERIOR,  
WASHINGTON.

SEATTLE, WASH., August 6, 1909.

MY DEAR MR. PIERCE: I herewith acknowledge your letter of the 31st ultimo in reference to Senator Guggenheim's request for the withdrawal of certain lands for an arid park. I have signed the form of withdrawal, O. K'd by Mr. Lawler, solely on the ground of the pendency of bill No. 2984.

I am not wholly in harmony with this practice, but presume it is justified by precedent. I fear that it is not warranted by existing law. I do not think it advisable to hold too strictly to the precedent established in temporarily withdrawing power sites.

Very truly, yours,

(Signed)

R. A. BALLINGER, *Secretary.*

HON. FRANK PIERCE,

*First Assistant Secretary,**Department of the Interior, Washington, D. C.*

[Encl.]

3728

DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,  
*Washington, April 6, 1910.*

The SECRETARY OF THE INTERIOR.

SIR: About April 1, 1909, responsive to your request that I submit my views as to the authority of the executive department of the Government to withdraw lands supposed or reported to be valuable as sites for the development of water power, the matter was carefully examined; my conclusions were first communicated orally, followed by a brief letter written from Los Angeles on May 20, 1909; and I submit herewith memorandum more fully covering the situation and my conclusions in reference thereto.

Very respectfully,

OSCAR LAWLER,  
*Assistant Attorney-General.*

MEMORANDUM AND BRIEF UPON THE SUBJECT OF THE POWER OF THE EXECUTIVE TO  
MAKE WITHDRAWALS OF PUBLIC LANDS.

A few years since the practice was inaugurated of withholding from disposition, under the laws applicable thereto, large areas of public lands, because the same were believed to be valuable for the development of water power. That serious doubt was entertained as to the authority for such withdrawals is indicated by the fact that the real purpose thereof was not recited in the executive orders. At the outset they were accomplished under the guise of so-called "administrative sites," withdrawn ostensibly for the use of the Forest Service. By this means numerous tracts bordering upon streams and forming vital parts of larger areas which were, by reason of their natural topography and relation to such water courses, available for water-power development, were withdrawn. In other instances, withdrawals were made of immense stretches of country traversed by streams reported by engineers of the Reclamation Service as being valuable for the development of power for commercial purposes, upon the pretext that they were desired for use in connection with reclamation projects.

Later the doctrine of "supervisory power" was evolved, which is set forth at page 10 of the report of the Secretary of the Interior for the year 1908, as follows:

"The public domain has been placed by Congress under the Interior Department, and ample authority is vested in the Chief Executive and the Secretary of the Department to take such action as is necessary to care for the public domain. During many years the Executive has, in the exercise of this general authority, withdrawn at different times and for various purposes areas of the public domain and, for the time being, prevented those areas from being entered for private use.

"Full power under the Constitution was vested in the executive branch of the Government, and the extent to which that power may be exercised is governed wholly by the discretion of the Executive, unless any specific act has been prohibited either by the Constitution or by legislation.

"In the exercise of this power it is the duty of the Executive to take such action as will protect the interests of all the people of the United States in their property rights, and, if the occasion requires and the facts warrant, it is the duty of the Executive to prevent the acquisition of the public domain by private interests if such acquisition be detrimental to the public welfare."

Since the enunciation of this proposition, legal justification for executive withdrawal of public lands from the operation of the laws of the country has been rested thereon.

The doctrine that full power under the Constitution is vested in the executive branch of the Government, and that the extent to which that power may be exercised is governed wholly by executive discretion, assumes the existence of a dispensing or suspending power in the Executive over laws enacted by competent authority, which, it is submitted, is utterly inconsistent with the fundamental theory upon which this Government exists. It is of course fundamental that this Government "is divided into three great branches, the legislative, the judicial, and the executive; \* \* \* it is the peculiar province of the legislative to make the laws, of the judiciary to construe and expound them, and of the executive to execute and enforce them. \* \* \* These three great powers or branches \* \* \* are distinct and separate, \* \* \* each is delegated to its appropriate department, and can be exercised by no other department." (Coleman v. Newby, 7 Kans., 87.)

3729 "The most odious and dangerous of all laws would be those depending on the discretion of judges. \* \* \* The discretion of a judge is the law of tyrants; it is always unknown; it is different in different men; it is casual and depends on constitution, temper, and passion. At best it is often caprice. In the worst it is every vice, folly, and passion to which human nature can be liable." (State v. Cummings, 36 Missouri, 278.)

Contention against the exercise of any such arbitrary authority over legally established rights formed one of the great causes leading to the Revolution, which found definite expression in the following form in the first constitution of the Commonwealth of Massachusetts (1780):

"The power of suspending the laws ought \* \* \* never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for. \* \* \*

"The executive shall never exercise the legislative and judicial powers, or either of them \* \* \* to the end that it may be a government of laws and not of men \* \* \*"

and has been indelibly impressed upon the jurisprudence of the country by the decision of the Supreme Court in the case of *Cotting v. Godard* (183 U. S., 84):

"It has been wisely said that this is a government of laws and not of men; that there is no arbitrary power located in any individual or body of individuals; but that all in authority are guided and limited by those provisions which the people have, through the organic law, declared shall be the measure and scope of all control exercised over them."

Mr. Justice Wilson, in his lectures upon the Constitution (Wilson's Works, vol. 2, p. 66), referring to the executive branch of the National Government, said:

"He (the President) is to take care that the laws are faithfully executed: \* \* \* in the Saxon government the power of the first executive magistrate was also twofold. \* \* \* The person at the head of the executive department had authority not to make or alter or dispense with the laws, but to execute and act the laws which were established; and against this power there was no rising up, so long as it gadded not like an unfeathered arrow at random. On the whole, he was no other than a *primum mobile* set in a regular motion by laws which were established by the whole body of the nation."

In support thereof the learned justice cites Bacon on Government, pages 32, 33, and 40; and that this Anglo-Saxon conception of executive authority was carried into our American institutions is demonstrated by the opinion of the court in *Kendall v. United States* (12 Peters, 524), wherein a writ of mandamus was sought to compel the Postmaster-General to carry into effect an act of Congress, and the court said:

"It was urged at the bar that the Postmaster-General was alone subject to the direction and control of the President with respect to the execution of the duty imposed upon him by law; and this right of the President is claimed as growing out of the obligation imposed upon him by the Constitution to take care that the laws be faithfully executed. This is a doctrine that can not receive the sanction of the court. It would be vesting in the President a dispensing power which is not countenanced for its support in any part of the Constitution and is asserting a principle, which, if carried out in its results to all cases falling within it, would be clothing the President with a power entirely to control the legislation of Congress and paralyze the administration of justice."

"The power of the President is executive power—a power to execute the laws, but not to suspend them. The latter is a legislative function, and, so far as it exists, belongs naturally and by force of the Constitution exclusively to Congress." (Deady, J., *McCall v. McDowell*, Fed. Case No. 8673.)

Daniel Webster, in his speech from the Senate on July 11, 1832 (*Niles Register*, vol. 43, p. 106), responsive to President Jackson's veto of the act renewing the charter of United States Bank, said:

"The President is as much bound by the law as any private citizen, and can no more contest its validity than any private citizen. He may refuse to obey the law, and so may a private citizen, but both do it at their own peril, and neither of them can settle the question of its validity. \* \* \* Hitherto this opinion and the correspondent practice have prevailed in America with all wise and considerate men. If it were otherwise, there would be no government of laws; but we should all live under the government, the rule, the caprices of individuals. If we depart from the observance of these salutary principles, the executive power becomes at once despotic; for the President, if the reasoning and the principle of the message be sound, may either execute, or not execute, the laws of the land, according to his sovereign pleasure. He may refuse to put into execution one law, pronounced valid by all the branches of the government, and yet execute another which may have been, by constitutional authority, pronounced void. On the argument of the message, the

President of the United States holds, under a new pretense, a dispensing power over the laws as absolute as was claimed by James the Second of England a month before he was compelled to fly the Kingdom. That which is now claimed for the President is, in truth, nothing less, and nothing else, than the old dispensing power asserted by the kings of England in the worst of times—the very climax, indeed, of all the proposterous pretensions of the Tudor and Stuart races.

"According to the doctrines put forth by the President, although Congress may have passed a law, and although the Supreme Court may have pronounced it constitutional, yet it is, nevertheless, no law at all, if he, in his good pleasure, sees fit to deny it effect; in other words, to repeal and annul it. Sir, no President and no public man ever before advanced such doctrines in the face of the nation. There never was before a moment in which any President would have been tolerated in asserting such a claim to despotic power. \* \* \* If these opinions of the President be maintained, there is an end of all law and all judicial authority. Statutes are but recommendations, judgments no more than opinions. Both are equally destitute of binding force. Such an universal power as is now claimed for him, a power of judgment over the laws and over the decisions of the tribunal, is nothing else than pure despotism. If conceded to him, it makes him at once what Louis the Fourteenth proclaimed himself to be when he said, 'I am the State.'"

The limitations as to the discretionary powers of the executive department are expressed by Justice Marshall, in *Marbury v. Madison*, as follows:

"Is it to be contended that the heads of departments are not amenable to the laws of their country? Whatever the practice on particular occasions may be, the theory of this principle will never be maintained. \* \* \*

"By the Constitution of the United States the President is invested with certain important political powers, in the exercise of which he is to use his own discretion and is accountable only to his country in his political character and to his own conscience. \* \* \*

"But when the legislature proceeds to impose on that officer other duties; when he is directed peremptorily to perform certain acts; when the rights of individuals are dependent on the performance of those acts, he is so far the officer of the law, is amenable to the laws for his conduct, and can not at his discretion sport away the vested rights of others.

"The conclusion from this reasoning is that where the heads of departments are the political or confidential agents of the Executive, merely to execute the will of the President, \* \* \* nothing can be more perfectly clear than that their acts are only politically examinable. But where a specific duty is assigned by law, and individual rights depend upon the performance of that duty, it seems equally clear that the individual who considers himself injured has a right to resort to the laws of his country for a remedy." (1 Cranch, 137.)

By article I, section 8, paragraph 18 of the Constitution it is provided that:

"Congress shall have power \* \* \* to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested \* \* \* in the Government of the United States or any department or officer thereof."

Article IV, section 3, declares that:

"Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or property belonging to the United States,"— And the Supreme Court, in the case of *United States v. Gratiot* (14 Peters, 533), has defined the word "territory," as here used, to be "merely descriptive of one kind of property and is equivalent to the word 'lands,' and Congress has the same power over it as over any other property belonging to the United States, and this power is vested in Congress without limitation."

"The whole power as to the public lands is in Congress, and it alone is vested with authority to make all needful rules and regulations concerning them." (Const., Art. IV, sec. 3; *Parker v. Duff*, 47 Cal., 561-562, and cases cited; *Wilcox v. Jackson*, 13 Pet., 516; *U. S. v. Fitzgerald*, 15 Pet., 421; *Frisbie v. Whitney*, 9 Wall., 192.)

*Chapman v. Quinn* (56 Cal., 291-292).

"The power to dispose of the public lands is granted to Congress. (Art. IV, sec. 3, U. S. Const.; *U. S. v. Gratiot*, 14 Pet., 537.) No appropriation of them can be made for any purpose but by the authority of Congress."

*U. S. v. Tichenor* (12 Fed., 422-423).

"The action of the Land Department can not override the expressed will of Congress or convey away public lands in disregard or defiance thereof."

*Burfenning v. Railway Co.* (163 U. S., 319).

3731 "In the exercise of its exclusive power under the Constitution, Congress has established a Land Department for the management and sale of the public lands. This department is under the immediate supervision of the Commissioner of the General Land Office, subject to the supervisory control of the Secretary of the Interior. \* \* \* The duties of all these officers are prescribed by law, \* \* \* and, in permitting entries to be made \* \* \* must look only to the acts of Congress and to such regulations. \* \* \* They have no powers except such as are derived from these sources. \* \* \* They are the mere creatures of statutory law, from which all their powers are derived.

"The treaty-making power can not confer upon the Land Department any authority, nor enjoin upon it any duty \* \* \* except with the consent of Congress, which is the source of all its powers."

*Parker v. Duff* (47 Cal., 561-562).

Obedient to this authority, Congress has from time to time enacted laws prescribing the method of acquiring title to the public lands. By the act of May 14, 1880 (21 Stat., 140), it is provided that: "Any settler who has settled on any public lands of the United States, whether surveyed or unsurveyed, with the intention of claiming the same under the homestead laws," is accorded the right in a specified time and manner to make formal entry thereof and acquire title thereto.

Section 2289 of the Revised Statutes vests in every citizen, or person who has declared his intention to become such, the right to enter any quarter section of unappropriated nonmineral public lands, and, by residence thereon and cultivation thereof, to acquire title thereto.

By the act of 1877 (19 Stat., 377), and the acts amendatory thereof, the right to reclaim and acquire title to desert lands is established.

Section 2319 declares that "All valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are \* \* \* free and open to exploration and purchase, and the lands in which they found to occupation and purchase by citizens \* \* \* and persons who have declared their intention to become such."

By none of these laws is it intimated that the effectiveness or operation thereof shall in slightest measure cease at executive discretion or that the application thereof shall be confined only to such lands as in the judgment of the Executive may be permitted to remain subject thereto; and, particularly, there is to be noted the utter absence of any exemption from the operation of such laws of lands which may, in the opinion of the President, be valuable for the development of water power.

The premise that the President is empowered under a constitutional mandate commanding him to faithfully execute the laws to infringe upon or nullify their operation by saying that designated areas of agricultural land shall be withdrawn from the operation of the homestead law or that coal lands in given localities shall not be obtainable under the laws applicable thereto, or that particular desert lands shall not be subject to reclamation and acquisition in the manner provided by law, involves the logical conclusion that he may, by the same fiat, say that all public lands shall be withdrawn from any disposition whatsoever, and thus assume to himself "a power entirely to control the legislation of Congress and paralyze the administration of" the public domain.

It would seem to be almost a matter of supererogation to say that the rights accorded to citizens by the legislation referred to are valuable, and as sacred, as much entitled

to protection and full enjoyment, and as immune from destruction, change, or modification otherwise than by the law-making power, as any other rights of American citizens; but the freedom with which this protection has been denied renders it appropriate that some attention should be given thereto.

Speaking of such rights, the Supreme Court, in an appeal from a conviction for conspiracy to obstruct a citizen in the enjoyment and pursuit thereof, under a statute condemning conspiracy to threaten or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States (112 U. S., 179), said:

"The right assailed, obstructed, and its exercise prevented, or intended to be prevented, as set forth in this petition, is very clearly a right wholly dependent upon the act of Congress \* \* \* The Constitution \* \* \* vests in Congress 'the power to dispose of and make all needful rules and regulations respecting the territory and other property of the United States.' One of its regulations—the one under consideration—authorizes a class of persons \* \* \* to settle upon its land, and \* \* \* he is authorized to reside there. By building a house and making other improvements on it, and residing there for five years consecutively, which, under the Statute and under that alone he has the right to do \* \* \* he acquires a patent or title in fee to the land. \* \* \* His right to continue this residence for five years \* \* \* is dependent upon the act of Congress. His right to patent after this is done rests exclusively upon the same foundation. The right here guaranteed 3732 is \* \* \* the right to remain on the land in order to perform the requirements of the acts of Congress, and, according to the rules, perfect his incipient title.

"Whenever the acts complained of are of a character to prevent this, or throw obstruction in the way of exercising this right, \* \* \* because it is a right asserted under the law of the United States and granted by that law, those acts come within the purview of the statute and of the constitutional power of Congress to make such statute. In the language of the court in *ex parte Yarbrough*: 'the power arises out of the circumstances that the function in which the party engaged, or the right which he is about to exercise, is dependent on the laws of the United States. In both of these cases it is a duty of the Government to see that he may exercise this right freely and to protect him from violence while so doing or on account of so doing.'

"To hold that this right is cut off, or can be cut off, by a rule that the claim can not be presented, \* \* \* is in derogation of the acts of Congress, and is a denial of a right given by such acts. Such ruling concedes to the officers the right to dispense with the law; in other words, to legislate. This power can not be exercised by officers of the executive department."

*Chapman v. Quinn* (56 Cal., 293):

It being established that the right to acquire title to lands of the United States, pursuant to the acts of Congress in that behalf, is guaranteed to the citizen by law, and that protection against interference in the exercise thereof is afforded by the same authority; the mere assertion that any individual, whatever his station, may, by declaring at his discretion, that lands shall not be subject to acquisition under the law, obstructs that right, is, as heretofore indicated, to contend that, somewhere, outside of Congress, there is reposed the power to nullify and suspend the operation of constitutional legislation relating to a subject over which Congress is, by the Constitution, vested with exclusive authority. Such contention has been repeatedly denied by the courts.

In a case involving a controversy between a preemptor and the United States over the title to a tract of land in Louisiana, the Government claiming "that the land had, long previous to this entry, been appropriated for public purposes and attached to the custom-house at New Orleans," the Supreme Court said (15 Pet., 420-421):

"Had this tract of land been severed from the public domain by legal appropriation of it for any public purpose, Fitzgerald could have acquired no right to it \* \* \* because the land would not have been subject to the preemption law.

"Was this land so appropriated? The preemption law \* \* \* declares that the right of preemption shall not extend to any land reserved from sale by act of Congress or by order of the President, or which may have been appropriated for any purpose whatever. \* \* \* No appropriation of public land can be made for any purpose but by authority of Congress. By the third section of the fourth article of the Constitution of the United States power is given to Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States. As no such authority has been shown to authorize the collector at New Orleans to appropriate this land to any use whatever, it is wholly useless to inquire whether his acts, if they had been authorized by law, would have amounted to an appropriation."

No more can the President lawfully prevent citizens of the United States, either in a given locality or throughout the entire country, from exercising the privileges accorded them by law, than can any other officer of the Government or private individuals by physical violence or corrupt scheming lawfully obstruct the pursuit of rights established and sanctioned by law. If this be not a correct assumption of the status of American citizenship, the sacred declaration that before the law all men are equal and endowed with the inalienable rights of life, liberty, and the pursuit of happiness is a hollow mockery—mere sound without substance—a sham and a pretext.

It has been said that the power of the President to thus nullify the law of withdrawing lands from the operation thereof has never been questioned until in the very recent past, this declaration being accompanied by a citation of cases extending back into the early history of the country, which not only do not justify the proposition they are cited to sustain, but demonstrate that it has always been most vigorously assailed. These decisions will be referred to hereafter.

From an early day, however, the legislative department of the Government has, by repeated grants of power to make withdrawals under particular circumstances, impliedly declared that it did not exist without such authority. A few instances will be illustrative:

April 12, 1792 (1 Stat., 251), the President was authorized to reserve certain of the lands in the Northwest Territory for the accommodation of a garrison; by the act of March 26, 1804 (2 Stat., 277-280), the President was authorized to reserve certain salt springs in Indian Territory; by the act of April 21, 1806 (2 Stat., 391), the President was authorized to reserve salt springs and lands contiguous thereto in the Territories of Orleans and Louisiana; by the act of March 3, 1807 (2 Stat., 448), the several lead mines in Indian Territory and such lands contiguous thereto as the President might deem necessary were reserved from disposition; by the act of February 21, 1812 (2 Stat., 684), the President was authorized to reserve certain lands in Illinois Territory for the use and support of a public salt works; by the act of June 13, 1812 (2 Stat., 748), the President was authorized to reserve lands in Missouri Territory for military purposes; by the act of March 1, 1817 (3 Stat., 347), the Secretary of the Navy, under the direction of the President, was directed to make selection of tracts producing timbers necessary to furnish a sufficient supply for the navy, such lands to be reserved by the President "unless otherwise directed by law;" by the act of March 3, 1863 (12 Stat., 819), the President was authorized to reserve lands for the use of certain Indian tribes; by the act of March 3, 1863 (12 Stat., 754), the President was authorized to reserve town sites on the shores of harbors at the junction of rivers; by section 24 of the act of March 3, 1891 (26 Stat., 1095), the President was authorized to reserve public land bearing forests or undergrowth as public reservations, and by proclamation, to declare the establishment of such reservations and the limits thereof, and by the act of June 4, 1897 (30 Stat., 36), the President was authorized to modify or vacate any such order; by the act of June 17, 1902 (32 Stat., 388)—the reclamation act—withdrawal of lands for reclamation purposes was authorized.

These are but examples of the many acts of Congress authorizing the President to make reservation of the public lands for various purposes. Under the familiar principle that in drafting contracts and statutes it is not appropriate to express what is implied in law, it must be presumed that Congress deemed such authority necessary; otherwise it would not have expressly provided therefor.

The following provision of the preemption law (4 Stat., 421) is frequently relied upon as a congressional recognition of the right of the President to make reservation of the public lands without express authority, "Nor shall the right of preemption contemplated by this act extend to any land which is reserved from sale by act of Congress or by order of the President, or which may have been appropriated for any purpose whatsoever." When, however, it is recalled that Congress had on numerous occasions prior to the passage of that act authorized the President to make withdrawals for specific purposes, such contention is deprived of its force, it being fair to presume that Congress was expressly excepting from the operation of said law lands which had theretofore been reserved pursuant to some one or more of the laws theretofore enacted authorizing such reservation.

The executive department itself has frequently and with emphasis not only questioned but denied the existence of any such authority.

In the case of the Fort Boise Reservation (6 Land Decisions, 16), the Secretary of the Interior had under consideration a reservation by the War Department of lands exceeding in quantity 640 acres authorized by the act of February 14, 1853. Secretary Lamar said:

"Will such an act take the lands out of the class of public lands and require their disposal by special enactment? To so hold would indicate that the Executive might, in violation of law, put in reserve for military purposes any amount of lands, and thus

take them out of the operation of the general laws. To assert such a privilege is to claim for the Executive power to repeal or alter the acts of Congress at will."

Of course, the situation there under consideration involved an express congressional limitation and the overriding of the same by the Executive; but it would seem that the difference is only one of degree between overriding a congressional enactment that no more than a given quantity of land shall be reserved for a specific authorized public use, and rendering nugatory all public laws permitting the acquisition of lands by citizens in the manner prescribed.

Attorney-General (now Secretary of State) Knox, in an opinion to the President, said:

"It is true that the United States has the absolute title to and ownership of all the public domain, including the forest reservations; and equally true that this title and ownership carry with them the right of either absolute or partial exclusion from such lands, and the right to permit intrusion thereon for such purposes and upon such terms as the owner may prescribe. And I have no doubt that, as incident to such ownership, Congress has the power, if it so choose, to absolutely prohibit the intrusion of the public into any of the public lands or to prohibit it for certain purposes, as for cultivation, mining, cutting timber, hunting, fishing, etc. Such right of control and exclusion is incident to ownership, and is a part of that which the owner owns with the land. But it does not follow from this that the Secretary of the Interior may exercise this right of control which resides in the Government and may be exercised by Congress.

The powers of a head of a department are limited, and are to be exercised, 3734 generally, only for the accomplishment of some end or purpose prescribed by law or usage.

"And it is to be borne in mind that this title and ownership of the United States are not absolute for its own benefit, as in the case of a private individual who holds his land and the title thereto solely for his own benefit and purpose. On the contrary, the National Government, while having the absolute title to the public lands, yet holds it with the lands, to a great extent, for the ultimate benefit of the people in ways prescribed by law.

"Partly, at least, for this reason, it has never been the policy of the Government to exclude the people, its citizens, from the public domain. On the contrary, from the beginning, it has been the policy to permit free access for any and all purposes not violative of law, and especially (except as otherwise provided in special cases) for the purpose of hunting, trapping, and fishing. Indeed, in early times and for many years, large portions of the great West could not have been then settled as they were without this permission. With the exception of certain exclusions, restrictions, and regulations applicable to certain specified portions of the public lands and waters, this policy has continued to the present time, and although, as I have said, Congress would have the power to adopt by law a policy of absolute exclusion, yet, at this day, this would be deemed arbitrary and harsh.

"But while Congress might exercise this incident of ownership, it is manifest that the Secretary of the Interior can not, without express authority of law, change this long-settled policy of the Government in favor of the people, by rules and regulations forbidding that access to the public domain which this policy has so long permitted, or for purposes within that permission or not violative of any law.

"And it is further manifest that, unless authorized by law, he can no more do this with reference to the forest reserves than with reference to any other of the public lands; for this incident of ownership is applicable alike to all the lands held by the Government, and if the Secretary could exercise it as to any, he could equally as to all.

"While the management and control of the public lands, except as otherwise provided by law, is committed to the Secretary of the Interior, this, even to the extent committed to him, is not absolute, but is a management and control subordinate to and for the purposes and objects intended, as expressed by law or settled usage or practice. He is but the agent of the Government for carrying out its purposes, and the rules and regulations which he makes can be such only as have relation to and subserve those purposes. He can not permit that which the law or the settled policy of the Government forbids, nor can he forbid what is thus permitted. And in view of what I have said of the long-settled policy and practice of the Government, I am of opinion that the Secretary of the Interior can not, as the mere exercise of this incident of governmental ownership, exclude people from the forest reserves, whether there for hunting or other purposes, nor prohibit the hunting or killing of game on such reserves. I do not say that he can not do this at all—only that he can not do it in the exercise of that control which belongs to the governmental ownership of the lands, and that as long as to the extent that Congress sees proper to continue its former policy of permission the Secretary can not interfere. \* \* \*

"Under these circumstances, I am constrained to the opinion that, until further legislation, the Secretary of the Interior is not authorized to prescribe rules and regu-

lations by which the national forest reserves may be made refuges for game, or by which the hunting, killing, or capture of game in such reserves be forbidden.

"It is with regret that I reach this conclusion, as I would be glad to find authority for the intervention by the Secretary for the preservation of what is left of the game, from wanton or unnecessary destruction; but it would seem that whatever is done in that direction must be done by Congress, which alone has the power."

"Congress, the supreme power, having thus ordered a withdrawal \* \* \* it must be assumed that it does so to the entire exclusion of any subordinate authority. \* \* \* Therefore an attempt by the officers of the Land Department to supplement that action by additional action of their own in that respect must be because they presume Congress has not taken sufficient and proper steps in the premises—a setting up of their own judgment against that of Congress." (Secretary Smith, 19 L. D., 89.)

A brief analysis of the cases cited as sustaining the doctrine of "supervisory authority," will show that, except as to one (*Hewitt v. Schultz*, 76 N. W.), which has been reversed by the Supreme Court, they go only to the extent of maintaining Executive withdrawals of public lands in pursuit of expressed or implied legislative authorization—to satisfy grants of lands by Congress—or for actual use for some authorized governmental purpose, such as military posts; and that they do not support the contention that the Executive may render inoperative, as to any lands, the laws governing the disposition thereof, because, in his opinion, such disposition is inexpedient, or because the lands may be valuable for some purpose which has received no recognition at the hands of Congress, or is not a governmental use.

3735 In *Grisar v. McDowell* (6 Wall., 384) title as against the Government was claimed to lands to which it had succeeded by conquest of Mexico, were reserved to it by judicial decree, and actually devoted to military purposes and extensively improved by the use of money appropriated by Congress for that specific purpose. The claimant asserted rights under a grantor who had no title to convey, and against a physical appropriation to national use by authority of Congress—a far cry from that situation to an arbitrary withdrawal from any and all private entry without suggestion or governmental utilization.

In *Wilcox v. Jackson* (13 Pet., 498) the premises (embracing Fort Dearborn, at Chicago) were claimed under the preemption law, which exempted from its operation land reserved for the use of the Government by act of Congress, or by presidential order, or which had been actually appropriated for any purpose. Here, also, it appeared that the lands were occupied not only as a military post and fortifications, the location and erection of which were committed by law to the President, and also as an Indian trading post established by legislative authority, but a light-house whose location was designated in the act making appropriation for its construction had been erected thereon. What the court actually decided is clearly shown by the following excerpt from its opinion:

"The reservation thus made was, in legal effect, a reservation made by order of the President within the terms of the act of Congress. \* \* \*

"We go further and say that whensoever a tract of land shall have once been legally appropriated to any purpose, from that moment the land thus appropriated becomes severed from the mass of public lands, and that no subsequent law or proclamation or sale would be construed to embrace it or to operate upon it, although no reservation were made.

"When the act of 1830 was passed Congress must have known of the authority which had by former laws been given to the President to establish trading houses and military posts. They must have known \* \* \* that a military post had been long established at Fort Dearborn \* \* \*. They seem \* \* \* to have been studious to use language of so comprehensive a kind in the exemption from the right of preemption as to embrace every description of reservation and appropriation which had been previously made for public purposes. We have already said that we think the language in which these exemptions are expressed is comprehensive enough to express the present case so as to place it beyond the reach of the right of preemption."

In *Walcott v. Des Moines Co.* (5 Wall., 681) the effect of a withdrawal to satisfy a grant, as to the limits of which there was serious controversy, of lands beyond the limits of the grant as later judicially determined, the court said (pp. 688-689):

"The grant carried along with it, by necessary implication, not only the power but the duty \* \* \* to reserve from sale lands embraced in the grant. Otherwise its object might be utterly defeated. \* \* \* The serious conflict of opinion among public authorities on the subject made it the duty of the Land Office to withhold the sales and reserve them to the United States till it was ultimately disposed of."

In *Hamblin v. Lands Co.* (147 U. S., 531) several grounds were advanced as sustaining the court's decision, the one interesting here being stated as follows (p. 536):

"The land in controversy was, with others, withdrawn to satisfy the grant as determined by that location, and such a reservation by the Interior Department, it is well



settled, operates to withdraw the land from entry under the preemption or homestead laws. (*Wolcott v. Des Moines Co.*, 5 Wall., 681; *Wolsey v. Chapman*, 101 U. S., 755; *Bullard v. Des Moines and Fort Dodge Railroad*, 122 U. S., 167; *United States v. Des Moines Navigation, etc., Co.*, 142 U. S., 510.) As therefore the land was so situated that Hamblin could not make a valid homestead entry, it follows that he is not in a position to question the conveyance of the legal title by the patent from the Government."

In *Northern Pacific Ry. v. Musser* (168 U. S., 607) Mr. Justice Brewer, speaking for the court, said:

"But a single question is presented, and that is whether the withdrawal \* \* \* of lands within the indemnity limits of the grant of 1856 and 1864 exempted such lands from the operation of the (later) grant to the plaintiff. \* \* \*

"All that we here hold is that when a withdrawal of lands within indemnity limits is made in aid of an earlier land grant and made prior to the filing of the map of definite location by a company having a later grant—the latter having such words of exception and limitation (that is, lands not reserved, sold, granted, or otherwise appropriated), it operates to except the withdrawn lands from the scope of such land grant."

In *Spencer v. McDougal* (159 U. S., 62) plaintiff, claiming land within the limits of a railroad land grant, by derangement of title from the State through the railroad company, sued to eject defendant; who claimed that the lands were exempted from the operation of the grant by two preemption claims made after the withdrawal of the lands to satisfy said grant. This withdrawal was asserted to be invalid, but the court said:

"The only objection which can be made \* \* \* is that the commissioner withdrew too much land \* \* \* but that was a matter for the determination of the land department, and can not be revised or disregarded by the courts."

In *United States v. Payne* (8 Fed. Rep., 883) the question presented was as to whether certain districts which had, pursuant to statutory authorization (act of May 28, 1830), been set apart for the use of certain Indians continued to be "public land," and the court answered in the negative.

Judge Parker, in delivering the opinion, used some general language which, of course, must be construed in the light of the facts presented for determination.

In *United States v. Tichenor* (12 Fed., 415), the Government sued to cancel patent as to a portion of certain lands settled upon by defendant, asserting that after settlement they had been appropriated to military purposes, by consent, both expressed and implied, of the defendants, it being contended that the patentees, as to the lands so occupied, held in trust for the Government. The case, so far from sustaining the theory of "supervisory power," expressly denies it, in language heretofore quoted, but which will bear repetition. No appropriation of public lands can be made for any purpose but by authority of Congress.

"Sawyer, C. J., concurring. In my judgment, the facts alleged in the bill do not show a valid reservation of the lands described therein for any public purpose, or present any sufficient ground for equitable relief. I therefore concur in the order sustaining the demurrer and directing a decree dismissing the bill."

In *Northern Lumber Co. v. O'Brien* (134 Fed.—, and 139 Fed., 614), the plaintiff claimed by mesne conveyance from Northern Pacific Railroad Company; defendant asserted that the lands were at the time of the Northern Pacific grant withdrawn to satisfy previous railroad grant to the State of Wisconsin. The court said:

"The only question is whether, these lands having been withdrawn by executive authority prior to the passage of the act granting lands to the Northern Pacific Company, this took them out of the grant."

This question is answered in the affirmative.

In *Russian Co. v. U. S.* (39 Ct. Cls., 460) the claimant sought compensation for certain improvements placed upon an island in Alaska occupied by it, as the court found, without right and as a trespasser. Claimant sought to purchase, but was denied the privilege because the island had been reserved after the passage of the act of 1891 authorizing the establishment of forest reservations by proclamation of the President, as follows (27 Stat., 1052):

"And whereas the public lands in the Territory of Alaska, known as Afognak Island, are in part covered with timber, and are required for public purposes, in order that salmon fisheries in the waters of the island, and salmon and other fish and sea animals, and other animals and birds, and the timber, undergrowth, grass, moss, and other growth in, on, and about said island may be protected and preserved unimpaired, and it appears that the public good would be promoted by setting apart and reserving said lands as a public reservation. \* \* \*

"Now, therefore, I, Benjamin Harrison, President of the United States, by virtue of the power in me vested by sections 24 and 14 of the aforesaid act of Congress, and

by other laws of the United States, do reserve and do hereby make known and proclaim that there is hereby reserved from occupation and sale, and set apart as a public reservation, including use for fish-culture stations, said Afognak Island \* \* \*."

The court said:

"When the claimant entered upon the lands and erected thereon buildings for the purpose of conducting its business it did so without the authority or license of the United States, none being given by the act of 1884, and was therefore a trespasser. \* \* \*

"The claimant was entitled to purchase not exceeding 160 acres of such land at \$2.50 per acre.

"But was the claimant, as against the United States, entitled to have the survey approved by the commissioner and a patent issued vesting in it the title to said lands after the President, in the exercise of his power, had issued his proclamation declaring the whole of the island upon which the land was situate reserved for public purposes? (*Grisar v. McDowell*, 6 Wall., 336; *U. S. v. Payne*, 8 Fed. Rep., 833-888, and *Wolcott v. Des Moines Co.*, 5 Wall., 681.) \* \* \*

"True, the right to purchase not exceeding 160 acres of land was given to the claimant by the act of 1891 on the condition, among others, that it was in the possession of and occupying such lands for the purpose of trade or manufactures, but such right can not be construed as depriving the Government of its superior right to withdraw such lands from sale and to set them apart for public purposes prior to the issuance of a patent therefor."

The *Blendauer* case (122 Fed., 703) expressly denies the doctrine of "supervisory authority." There the answer to the Government's complaint seeking damages for destruction of timber in an alleged forest reservation set up the invalidity of the reservation as to the lands cut over, because not "public" at the time of the proclamation. The demurrer to the answer was overruled, the court, among other things, saying:

"The truth is, however, that the President, or a head of a department of the Government, can not reserve any public lands from sale, except when authorized by some treaty, law, or authorization by Congress. (*Wolsey v. Chapman*, supra.)"

The lands involved in *Florida Co. v. Bigalsky* (33 So., 451) were embodied in a military reservation established by executive order. The court merely announced the admitted doctrine that "it is well settled that the President of the United States, by executive order, could reserve a part of the public domain for a specific lawful purpose, such as a military reservation."

The withdrawal involved in *O'Connor v. Gertens* (89 N. W., 866) was authorized by statute. The court used the following general expression:

"The Interior Department possesses plenary power to withdraw public lands from settlement and market at will, and when it acts in this regard it is deemed an act of the President. (*Wolsey v. Chapman*, 101 U. S., 755, 25 L. D., 915.) And it seems to be quite immaterial what may be the reason or basis of the order or what land it affects."

Not only, however, was this language unnecessary to a decision of the case, but it is not supported by the authority cited, wherein the Supreme Court, referring to the reservation question, said:

"The lands in controversy were actually reserved from sale by competent authority when the selection was made under the act of 1841. They were reserved also in consequence of the act of 1846. \* \* \* It was, therefore, such a proclamation by the President reserving the lands from sale as was contemplated by the act."

The act here referred to is the same one to which the Supreme Court alluded in the *Des Moines River Co.* case (5 Wall., 688), when it said:

"The grant carried along with it, by necessary implication, not only the power, but the duty \* \* \* to reserve \* \* \* the lands."

The case of *Hewitt v. Schultz* (76 N. W., 230) has been reversed by the Supreme Court (180 U. S., 159). Schultz claimed as a purchaser from the Northern Pacific Railroad. Hewitt claimed under patent from the United States. The Supreme Court said:

"The lands \* \* \* was within the indemnity limits, and was at the date of such (definite) location (of the line of road) public lands to which the United States had full title, not reserved. \* \* \*

"The controlling question \* \* \* is whether it was competent for the Secretary of the Interior to make the above order of withdrawal \* \* \* of land within the indemnity limits. \* \* \*

"We have seen from the above statement that \* \* \* the land office withdrew \* \* \* all odd-numbered sections, surveyed and unsurveyed, within both

the place and indemnity limits \* \* \*. Was it competent for the Secretary of the Interior \* \* \* to withdraw from entry or sale lands within the indemnity limits? Was he invested with any such authority by the (granting) act of July 2, 1864 (13 Stat., 365)? Did Congress intend by this act to declare that \* \* \* odd-numbered sections outside of the 40-mile limit \* \* \* should not be subject to the preemption and homestead laws? \* \* \* An answer to these questions may be found in the act as interpreted by the land department. \* \* \*

The court then quoted and adopted the opinion of Secretary Vilas (7 L. D., 100), as follows:

"The granting act not only did not authorize a withdrawal \* \* \* but forbade it. \* \* \*

"It might be that such lands could be withdrawn for some other public purpose, within executive authority to provide for, such, for example, as to constitute a reservation for Indians \* \* \*. Having so explicitly declared (that 'the homestead and preemption laws shall be and \* \* \* are hereby extended to all other lands \* \* \* except those hereby granted') it was not necessary to and a prohibition upon executive officers against withdrawals for the benefit of the road. It gave to any person entitled, under the homestead and preemption laws, to take lands the absolute right to acquire any proper quantity thereof in accordance therewith, and this right an executive officer could not deprive a settler of."

If we will but realize that the existing law was not created but only emphasized—its effect not extended but only insured—by the legislative declaration here referred to, the full force of the reasoning and the fundamental basis thereof becomes doubly apparent. The Secretary and the court were merely stating that, without congressional enactment authorizing the same, the right accorded by law to acquire title to public lands could not be infringed or restricted.

The last case referred to was critically reviewed in *Southern Pacific Co. v. Bell* (183 U. S., 675), where the court clearly and emphatically determined against the existence of any arbitrary—otherwise "discretionary"—power to withdraw lands from the operation of the laws relating to the disposition thereof:

"But the real question is not whether the indemnity lands lay within or beyond the 40-mile limit, but whether the withdrawal can operate upon indemnity land at all. It makes no difference in principle whether the indemnity lands are within or beyond the 40-mile limit, which is not a limit of withdrawal but of survey, and the whole argument in *Hewitt v. Schultz* is directed to the question whether it is within the power of a Secretary of the Interior to withdraw indemnity, as well as place, lands from settlement. \* \* \*

"As said by Secretary Lamar: 'It is manifest that the said act gave no especial authority or direction to the Executive to withdraw said lands, and when such withdrawal was made it was done by virtue of the general authority over such matters possessed by the Secretary of the Interior and in the exercise of his discretion.' The power of the Secretary to withdraw lands is exercised for the purpose of carrying out the grant to the railroad, and to prevent lands covered by said grant from being taken up by settlers before the road is completed and the patents issued to the company; but clearly that power can not be exercised to withdraw lands which are beyond the intended limits of the grant. It was said by Secretary Smith to have been exercised for many years, but the right of this asserted power on the part of the Executive is involved in obscurity. (*Northern Pacific R. R. v. Davis*, 19 L. D., 87, 88.) \* \* \*

"If the command of the statute were to be withdrawn from the market instead of survey, all odd-numbered sections within the 40-mile strip, the position of the railroad company in this case would be impregnable; but as the withdrawal only extends to the lands 'hereby granted,' we must look elsewhere to ascertain the meaning of those precise words. There is good reason for withdrawing lands within the place limits, since these lands already belong to the railroad company as soon as they are identified by the location of the line, while lands within the indemnity limits may never be required at all, and in most cases are required only to a limited extent. Undoubtedly the company acquires title to both classes of lands by the third section of the granting act; but it acquires a title to lands within the place limits by a present grant, while to land within the indemnity limits only by a future power of selection. In both cases the statute is the origin of the title, but in the one case it gives instantaneously; in the other, it is a mere promise to give in the future, and requires the action of the railroad to perfect it. The words 'hereby granted' evidently refer to the former.

"Treating this case as a reargument of the question involved in *Hewitt v. Schultz*, and it practically comes to that, we still adhere to the principle there announced. \* \* \*

"There was no order in the act to withdraw any lands from settlement or sale, but such withdrawal seems to have been made in pursuance of the practice of the Interior

Department and for the purpose of preventing lands granted to the railroad company from being taken up by settlers before the completion of the line and the final issuance of patents. As was said by Secretary Lamar in the Atlantic and Pacific Railway Co., (6 L. D., 84, 88).

"Waiving all questions as to whether or not said granting act took from the Secretary all authority to withdraw said indemnity limits from settlement, it is manifest that the said act gave no special authority or direction to the Executive to withdraw said lands; and when such withdrawal was made it was made by virtue of the general authority over such matters possessed by the Secretary of the Interior and in the exercise of his discretion; so that were the withdrawal to be revoked, no law would be violated or contract broken. But as the power to withdraw extends only to the 'lands hereby granted' and all other lands, except those hereby granted, remain open to settlement, we are thrown back upon section 3 to determine what are the lands 'hereby granted.' \* \* \*

"It is true that prior to this selection being made many of these indemnity lands may be taken up, and an insufficient amount left for the railroad (and we do not deny the force of the dissenting opinion in *Hewitt v. Schultz* in that connection), but we think this possibly serves rather as a basis for a further action by Congress, such as was made in the Northern Pacific case by the joint resolution of May 31, 1870 (16 Stat., 378), than as a reason for withdrawing from settlement a vast amount of land which the railroad may never have occasion to require. \* \* \*

"In view of the constant trend of population toward the western Territories, 3739 it is a serious matter to withdraw these enormous tracts from settlement and hold them, as it were, in mortmain against the protest of those who stand ready to enter upon and possess them. \* \* \*

"We are therefore of opinion that the act of July 27, 1866, did not authorize the withdrawal by the Secretary of the Interior of the indemnity lands; that such lands remained opened to homestead and preemption entry, and that patents issued to settlers within such indemnity limits, based upon the entries made prior to the selection by the railroad company, approved by the Interior Department, were valid as conveyances of the land as against the selection by the railroad company."

The President is not a legislative Executive—his power with regard to legislation (excepting only the right of veto) is entirely affirmative—he is commanded to "faithfully execute" the law. Upon being confronted with the duty of determining upon a course of executive action his first inquiry must be, "What is my duty or authority as discoverable from the expressed or implied mandate of the law?" While liability to abuse of power is not a strong argument against its existence, neither does the fact that beneficial results may follow a given course form a basis for asserting that such a course is authorized.

The President, in common with every other officer of the United States, is a creature of the law, subordinate and not superior thereto; his power to withdraw lands from disposition, like every other official act, must find justification in the source from which all authority must emanate—the law. The foregoing authorities show that it can find no such justification—hence it has no existence.

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3219 *Memorandum prepared by the Secretary of the Interior of proposed bill to authorize the Secretary of the Interior to make temporary withdrawals of areas of public land pending report and recommendation to Congress, or for examination and classification.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he hereby is, authorized to temporarily withdraw from location, settlement, filing, and entry areas of public lands pending submission to Congress of recommendation as to legislation respecting the lands so withdrawn when in his opinion such a condition or emergency exists as to require the temporary withdrawal of the lands pending congressional consideration: Provided, That the Secretary shall report all withdrawals made under the provisions of this act to Congress at the beginning of its next regular session after date of the withdrawals: And provided further, That when, in the opinion of the Secretary of the Interior, the reason for any such withdrawals has ceased to exist and no action has been taken thereon by Congress, he may restore the same to the operation of the public-land laws.*

SEC. 2. That the Secretary of the Interior be, and he hereby is, authorized to temporarily withdraw from location, settlement, filing, and entry areas of public lands for examination and classification to determine their character, use, value,

and disposition: *Provided*, That such examination and classification shall be promptly initiated after withdrawal, be concluded as soon as possible, and the lands when classified be thereafter immediately restored to appropriation and disposition under the laws applicable thereto.

[S. 5485. Sixty-first Congress, second session. In the Senate of the United States. January 18, 1910. Mr. Nelson introduced the following bill; which was read twice and referred to the Committee on Public Lands.]

A BILL To authorize the Secretary of the Interior to make temporary withdrawals of areas of public land pending report and recommendation to Congress, or for examination and classification.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior be, and he hereby is, authorized to temporarily withdraw from location, settlement, filing, and entry areas of public lands pending submission to Congress of recommendation as to legislation respecting the lands so withdrawn when in his opinion such a condition or emergency exists as to require the temporary withdrawal of the lands pending congressional consideration: *Provided*, That the Secretary shall report all withdrawals made under the provisions of this act to Congress at the beginning of its next regular session after date of the withdrawals: *And provided further*, That when, in the opinion of the Secretary of the Interior, the reason for any such withdrawals has ceased to exist and no action has been taken thereon by Congress, he may restore the same to the operation of the public-land laws.

SEC. 2. That the Secretary of the Interior be, and he hereby is, authorized to temporarily withdraw from location, settlement, filing, and entry areas of public lands for examination and classification to determine their character, use, value, and disposition: *Provided*, That such examination and classification shall be promptly initiated after withdrawal, be concluded as soon as possible, and the lands when classified be thereafter immediately restored to appropriation and disposition under the laws applicable thereto.

[Senate Report No. 171, Calendar No. 183, Sixty-first Congress, second session.]

The Committee on Public Lands, to whom was referred the bill (S. 5485) to authorize the Secretary of the Interior to make temporary withdrawals of areas of public land pending report and recommendation to Congress, or for examination and classification, having had the same under consideration, report it back recommending passage of the following amendment as a substitute for the entire bill. Strike out all after the enacting clause and insert the following:

"That the President may, at any time in his discretion, withdraw from settlement, location, sale, or entry any of the public lands of the United States and reserve the same for forestry, water-power sites, irrigation, classification of lands, or other public purposes, to be specified in the orders of withdrawals, and such withdrawals and reservations shall remain in force until revoked by him or by an act of Congress. The Secretary of the Interior shall report all such withdrawals to Congress at the beginning of its next regular session after the date of the withdrawals."

The power conferred upon the President by the proposed substitute is a power that he has possessed and exercised almost from the inception of our public-land system and is a power that he still possesses and exercises.

The power of the President to reserve public lands from sale and entry rests upon various statutes, upon numerous decisions of the courts, and upon long-established and long-recognized usage.

The preemption act of 1830 (4 Stat., 421) provided that the privilege of preemption should not extend to any land "which is reserved from sale by act of Congress or by order of the President." This clearly gives the President the power, on his own motion, to make the reservation and leaves it in his discretion to exercise the power, and the power may be exercised through an executive department. In such cases it is deemed the act of the President.

In the case of *Wilcox v. Jackson* (13 Peters, 498) the reservation was made by the Commissioner of the General Land Office upon the request of the Secretary of War. This was held to be valid and to be the act of the President. (See p. 513.) In the case of the *United States v. Stone* (2 Wall., 525) this view is sustained.

The general preemption law of 1841 (5 Stat., 456), which remained in force until 1891—about fifty years in all—provided that—

“no lands included in any reservation by any treaty, law, or proclamation of 1560 the President \* \* \* shall be liable to entry under \* \* \* the provisions of this act.”

In the Des Moines land grant act (11 Stat., 9) the reservation covered land—  
“reserved \* \* \* by any act of Congress or in any other manner by competent authority for \* \* \* aiding in internal improvements, or any other object whatsoever.”

The reservation in this case was made in the first instance by the Secretary of the Treasury while he had charge of the public lands, and afterwards by the Secretary of the Interior after the public lands were placed under his jurisdiction; and the reservation made by these officials was held to be the act of the President and to be done by “competent authority.” (*Wolcott v. Des Moines*, 5 Wall., 681.)

In the act providing for the survey of public lands in California (10 Stat., 246) are found the words “or reserved by competent authority,” and this “authority” is held to be the President. (*Grisar v. McDowell*, 6 Wall., 363.)

In the case of *Grisar v. McDowell*, cited above, the point was raised that no reservation could be made except under a direct sanction of an act of Congress, and that the President did not possess the power to make such reservation. In reply to this objection the Supreme Court makes the following response:

“But, further than this, from an early period in the history of the Government it has been the practice of the President to order, from time to time, as the exigencies of the public service required, parcels of land belonging to the United States to be reserved from sale and set apart for public uses.

“The authority of the President in this respect is recognized in numerous acts of Congress. Thus, in the preemption act of May 29, 1830, it is provided that the right of preemption contemplated by the act shall not ‘extend to any land which is reserved from sale by act of Congress, or by order of the President, or which may have been appropriated for any purpose whatever.’ Again, in the preemption act of September 4, 1841, ‘lands included in any reservation by any treaty, law, or proclamation of the President of the United States, or reserved for salines or for other purposes,’ are exempted from entry under this act. So by the act of March 3, 1853, providing for the survey of public lands in California and extending the preemption system to them, it is declared that all public lands in that State shall be subject to preemption, and offered at public sale, with certain specific exceptions, and, among others, ‘of lands appropriated under the authority of this act, or reserved by competent authority.’ The provisions in the acts of 1830 and 1841 show very clearly that by ‘competent authority’ is meant the authority of the President and officers acting under his directions.”

Attorney-General Miller, in an opinion delivered by him (19 Op. Attys. Gen., 373), declared, when it was objected that certain statutes cited did not authorize the reservation in question to be made:

“To this I answer that in my opinion the validity of the executive order of August 5, 1878, and that of February 19, 1877, to which it was supplemental, rests not on that statute, but on a long-established and long-recognized power in the President to withhold from sale or settlement, at discretion, such parts of the national domain, open to entry and settlement, as he may deem proper.”

While no express or direct statutory power has been given the President to create Indian reservations by mere executive orders, yet such power has been repeatedly expressed by the President, and it has been held that such power has been rightfully and lawfully exercised. (See opinion of Attorney-General Brewster, 17 Op. Attys. Gen., p. 258.) In this opinion are cited many instances of the creation of Indian reservations by executive orders.

The case of the *United States v. Payne* (2 McCrary's Circuit Court Reports, 289) is in harmony with and upholds the power of the President in such cases.

In the matter of our mining laws, section 2319 of the Revised Statutes of the United States provides that—

“all valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase and the lands in which they are found to occupation and purchase \* \* \*.”

In the case of *Gibson v. Anderson* (United States Circuit Court of Appeals Report, vol. 65, 277) it was held that the proclamation of the President reserving certain lands for the use of the Indians had the effect of withdrawing the land reserved from the operation of the mining law quoted above. The court declares (p. 288):

“There can be no doubt that such reservation by proclamation of the Executive stands upon the same plane as a reservation made by treaty or by act of Congress.”

The executive power of making reservations, conferred by the preemption law of 1841, also inheres and appertains to the homestead law.

Section 2289 of the Revised Statutes of the United States provides that—  
 1561 "every person \* \* \* shall be entitled to enter one quarter section or a less quantity of unappropriated public lands, upon which such person may have filed a preemption claim, or which may, at the time the application is made, be subject to preemption at one dollar and twenty-five cents per acre; or eighty acres or less \* \* \* at two dollars and fifty cents per acre."

This section, in effect, excludes from the operation of the homestead law the same class of lands that were excluded from the operation of the preemption law of 1841, to wit, "lands included in any reservation by any treaty, law, or proclamation of the President for any purpose;" so that the President has the same power of making reservation in the case of land subject to homestead entry as he had in the case of lands subject to preemption entry.

The phrase "public lands," found in our various land laws, is used in our legislation to describe such lands as are subject to sale or other disposition under general law, and not to lands that have been reserved by treaty, act of Congress, or executive proclamation. (Newhall v. Sanger, 92 U. S., 761.)

The timber-culture laws of 1874 and 1878, which remained in force until 1891, were limited to "public lands of the United States;" in other words, that law did not allow other than "public lands" to be secured under it, and lands reserved by the President by proclamation or executive order were not such "public lands."

The timber and stone act of 1878 only applied to "unappropriated, uninhabited, and unreserved nonmineral land of the United States \* \* \*."

See also the following cases in support of the executive power of withdrawal and reservation: *Wolsey v. Chapman*, 101 U. S., 755; *Spencer v. McDougal*, 159 U. S., 62.

The statutes cited, as well as the decisions of the court above referred to, and other decisions that might be cited, as well as the opinions of the Attorneys-General, all go to show that the President of the United States has the inherent power to reserve for public purposes lands of the United States from location, sale, or entry.

It is only lately that this power has been doubted and questioned, and the object of the proposed substitute is to make it definite and clear beyond all dispute that the President possesses this power of withdrawal. The only change in existing law, as interpreted by the courts, is that part of the proposed substitute which provides that the "Secretary of the Interior shall report all such withdrawals to Congress at the beginning of its next regular session after the date of withdrawals."

3246 [Calendar No. 183. S. 5485. Sixty-first Congress, second session. [Report No. 171.] In the Senate of the United States. January 18, 1910. Mr. Nelson introduced the following bill; which was read twice and referred to the Committee on Public Lands. February 3, 1910. Reported by Mr. Nelson, with amendments.]

[Strike out all after the enacting clause (the part in brackets) and insert the part printed in italics.]

April 5, this bill was recommitted to the committee.

A BILL To authorize the Secretary of the Interior to make temporary withdrawals of areas of public land pending report and recommendation to Congress, or for examination and classification.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* [That the Secretary of the Interior be, and he hereby is, authorized to temporarily withdraw from location, settlement, filing, and entry areas of public lands pending submission to Congress of recommendations as to legislation respecting the lands so withdrawn when in his opinion such a condition or emergency exists as to require the temporary withdrawal of the lands pending congressional consideration: *Provided*, That the Secretary shall report all withdrawals made under the provisions of this act to Congress at the beginning of its next regular session after date of the withdrawals: *And provided further*, That when, in the opinion of the Secretary of the Interior, the reason for any such withdrawals has ceased to exist and no action has been taken thereon by Congress, he may restore the same to the operation of the public-land laws.

Sec. 2. That the Secretary of the Interior be, and he hereby is, authorized to temporarily withdraw from location, settlement, filing, and entry areas of public lands for examination and classification to determine their character, use, value,

and disposition: *Provided*, That such examination and classification shall be promptly initiated after withdrawal, be concluded as soon as possible, and the lands when classified be thereafter immediately restored to appropriation and disposition under the laws applicable thereto. ]

*That the President may, at any time in his discretion, withdraw from settlement, location, sale, or entry any of the public lands of the United States, and reserve the same for forestry, water-power sites, irrigation, classification of lands, or other public purposes, to be specified in the orders of withdrawals, and such withdrawals and reservations shall remain in force until revoked by him or by an act of Congress. The Secretary of the Interior shall report all such withdrawals to Congress at the beginning of its next regular session after the date of the withdrawals.*

Amend the title so as to read: "A bill to authorize the President of the United States to make withdrawals of public lands in certain cases."

### 3249 Authorized to be reported:

[S. 7795. Sixty-first Congress, second session. In the Senate of the United States. April 18, 1910. Mr. Nelson introduced the following bill; which was read twice and referred to the Committee on Public Lands.]

A BILL To authorize the President to make withdrawals of areas of public land.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President may, at any time in his discretion, temporarily withdraw from settlement, location, sale, or entry any of the public lands of the United States and reserve the same for water-power sites, irrigation, classification of lands, or other public purposes, to be specified in the orders of withdrawals, and such withdrawals and reservations shall remain in force until revoked by him or by an act of Congress: *Provided*, That all lands withdrawn under the provisions of this act shall at all times be open to exploration, discovery, occupation, and purchase, under the mining laws of the United States, so far as the same apply to minerals other than coal, oil, gas, and phosphates. The Secretary of the Interior shall report all such withdrawals to Congress at the beginning of its next regular session after the date of the withdrawals.

[H. R. 24070. Sixty-first Congress, second session. In the House of Representatives. April 5, 1910. Mr. PICKETT introduced the following bill; which was referred to the Committee on the Public Lands and ordered to be printed.]

A BILL To authorize the President of the United States to make withdrawals of public lands in certain cases.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President be, and he hereby is, authorized to withdraw from location, settlement, filing, and entry areas of public lands in the United States and the District of Alaska for public uses or for examination and classification to determine their character and value: *Provided*, That the lands when classified shall be thereafter restored to appropriation and disposition under the laws applicable thereto; and the President is further authorized to withdraw, for other purposes, from location, settlement, filing, and entry areas of public lands in the United States and District of Alaska, whether classified or not, and submit to Congress recommendations as to legislation respecting the land so withdrawn.

Sec. 2. That the Secretary of the Interior shall report all withdrawals made under the provisions of this act to Congress at the beginning of its next regular session after date of the withdrawals, specifying the purposes of each thereof. All such withdrawals heretofore made and now existing are hereby ratified and confirmed as if originally made under this act. All withdrawals shall remain in force until revoked by the President or by Congress, or the lands restored as hereinbefore provided.



Mr. Pickett, from the Committee on the Public Lands, submitted the following report (to accompany H. R. 24070):

"The Committee on the Public Lands, having had under consideration the bill (H. R. 24070) to authorize the President of the United States to make withdrawals of public lands in certain cases, report the same back with the following amendments:

"Insert after the word 'authorized,' in line 10, page 1, the following: 'when in his judgment public interest requires it.'

"Strike out, in lines 10 and 11, page 1, the words 'for other purposes.'

"Insert after the word 'act,' in line 7, page 2, the following:

"That such withdrawals shall not affect the legal rights of any settler or entryman initiated prior to such withdrawals.'

"Strike out the comma after the word 'Congress,' in line 8, page 2, and insert in lieu thereof a period.

"Strike out all after the word 'Congress,' in lines 8 and 9, page 2, and insert the following:

"Upon restoration of any such lands in the United States, the equitable rights shall attach of any bona fide claimant who prior to such withdrawal initiated a claim thereto and made valuable improvements thereon.'

"And as thus amended recommend that the bill do pass.

"The bill grants to the President authority to withdraw from location, settlement, filing, and entry public lands, first, for public uses; second, for examination and classification to aid in administering the existing law; third, to conserve the public domain pending legislative action when, in the judgment of the President, public interest requires it.

"The President has authority to withdraw lands for certain purposes, but there is a difference of opinion as to the extent of that authority. Many claim this authority is as broad as that provided for in this bill; others contend to the contrary. No statute has been found expressly conferring this authority, and the extent thereof has not been settled by the Supreme Court.

"During the past few years large areas of the public domain have been withdrawn for classification and submission to Congress of recommendations of legislation relative thereto, with a view of protecting and conserving public interest in valuable oil, coal, and other mineral land, water-power sites, etc. Since some of the withdrawals attempts have been made by different parties to appropriate land so withdrawn, upon the theory that the withdrawals were unauthorized. Hence the provision in the bill ratifying and confirming prior withdrawals. In view of the conflicting opinions that exist as to the authority for past and future withdrawals, it is deemed necessary to adopt a measure that will clearly define the extent of such authority. The importance of this legislation in aid of conserving such resources for the people is too manifest to require comment.

#### "VIEWS OF THE MINORITY.

"The undersigned members of the Committee on the Public Lands do not concur in the report on H. R. 24070, entitled 'A bill to authorize the President of the United States to make withdrawals of public lands in certain cases.'

"The bill as reported is unsatisfactory, and is, in our judgment, a mere makeshift, to be labeled 'conservation,' while having none of the principles of true conservation. It merely expressly authorizes the Executive to make withdrawals of areas of public lands and does not provide for investigations and classifications to be speedily made, which, in our judgment, is one of the primary steps to be taken before Congress can intelligently revise existing laws or enact new laws which will conserve our national resources and prevent their acquisition by fraudulent practices, which, in many instances, have unquestionably prevailed.

"The absurdity of the clause in the bill as reported, nominally ratifying all existing withdrawals heretofore made, but excepting from its operation the legal rights of any settler or entryman initiated prior to any such withdrawal, and providing that equitable rights shall attach of any bona fide claimant who prior to any such withdrawal initiated a claim and made improvements on it, is manifest. In our judgment the intelligent course to be pursued with reference to withdrawals existing is that the same shall be reported to Congress immediately, with full information concerning them. Congress can then ratify the same, except in cases where the withdrawals were improperly or improvidently made, and as to them, if there be such cases, it may take such action as it believes wise and just after full information.

"It is difficult to understand how gentlemen who in Congress and elsewhere have denounced the action of the Executive for making what they term indiscriminate

and needless withdrawals of agricultural lands are induced to support a bill containing a provision ratifying such withdrawals if, in fact, it is intended to accomplish that end.  
 "The undersigned respectfully recommend the adoption of the following substitute in lieu of the bill:

"[Union Calendar No. 188. H. R. 24070. Sixty-first Congress, second session. [Report No. 963. 3250 In the House of Representatives. April 5, 1910. Mr. Fickett introduced the following bill; which was referred to the Committee on the Public Lands and ordered to be printed. April 11, 1910. Reported with amendments, committed to the Committee of the Whole House on the state of the Union, and ordered to be printed.]

"[Omit the part in brackets and insert the part printed in *italics*.]

"A BILL To authorize the President of the United States to make withdrawals of public lands in certain cases.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President be, and he hereby is, authorized to withdraw from location, settlement, filing, and entry areas of public lands in the United States and the District of Alaska for public uses or for examination and classification to determine their character and value: *Provided*, That the lands when classified shall be thereafter restored to appropriation and disposition under the laws applicable thereto; and the President is further authorized, *when in his judgment public interest requires it*, to withdraw [ ], for other purposes, [ ] from location, settlement, filing, and entry areas of public lands in the United States and District of Alaska, whether classified or not, and submit to Congress recommendations as to legislation respecting the land so withdrawn.

"Sec. 2. That the Secretary of the Interior shall report all withdrawals made under the provisions of this act to Congress at the beginning of its next regular session after date of the withdrawals, specifying the purposes of each thereof. All such withdrawals heretofore made and now existing are hereby ratified and confirmed as if originally made under this act. *That such withdrawals shall not affect the legal rights of any settler or entrymen initiated prior to such withdrawal.* All withdrawals shall remain in force until revoked by the President or by Congress [ ], or the land restored as hereinbefore provided]. *Upon restoration of any such lands in the United States the equitable rights shall attach of any bona fide claimant who prior to such withdrawal initiated a claim thereto and made valuable improvements thereon.*"

3254 [H. R. 24070, Sixty-first Congress, second session. In the Senate of the United States, April 21, 1910. Read twice and referred to the Committee on Public Lands.]

AN ACT To authorize the President of the United States to make withdrawals of public lands in certain cases.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President be, and he hereby is, authorized to withdraw from location, settlement, filing, and entry areas of public lands in the United States, including the District of Alaska, for public uses or for examination and classification to determine their character and value; and the President is further authorized, when in his judgment public interest requires it, to withdraw from location, settlement, filing, and entry areas of public lands in the United States, including the District of Alaska, whether classified or not, and submit to Congress recommendations as to legislation respecting the land so withdrawn.

Sec. 2. That the Secretary of the Interior shall report all withdrawals made under the provisions of this act to Congress at the beginning of its next regular session after date of the withdrawals, specifying the purposes of each thereof. All withdrawals heretofore made and now existing are hereby ratified and confirmed as if originally made under this act. All withdrawals shall remain in force until revoked by the President or by Congress.

Passed the House of Representatives April 20, 1910.

Attest:

A. McDOWELL, Clerk.

"[H. R. 23909, Sixty-first Congress, second session.]

"A BILL To authorize the President of the United States to make withdrawals of areas of public lands for classification, and for other purposes, and to require reports to be made to Congress of withdrawals heretofore made and hereafter to be made, and to provide for the classification of lands heretofore withdrawn or that may hereafter be withdrawn.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States may, at any time at his discretion, temporarily withdraw from settlement, location, sale, or entry any of the public lands of the United States and of the District of Alaska, and reserve the same for classification or for other purposes, the purposes of and the reason for the withdrawal to be definitely specified in the order of withdrawal. Such withdrawal and reservation shall remain in force until revoked by the President or by an act of Congress. The Secretary of the Interior shall report to Congress all withdrawals immediately after the same are made, together with copies of all orders of withdrawals, and if Congress be not in session at the time of a withdrawal such report shall be made at the beginning of the next regular session of Congress after the date of the withdrawal.

3252 "SEC. 2. That all withdrawals of areas of public lands heretofore made and now existing shall be immediately reported to Congress by the Secretary of the Interior, together with the reason and authority for such withdrawals.

"SEC. 3. That the Secretary of the Interior is hereby authorized and directed to make, as speedily as practicable, surveys and investigations of all the public lands belonging to the United States now or hereafter withdrawn for any purpose for the purpose of determining which of said lands contain coal, oil, phosphate, gas, or asphaltum, or are suitable for water-power sites, and which of said lands are agricultural, dividing said agricultural lands into irrigable, nonirrigable, dry-farming, farming, timber, and grazing lands, and for the purpose of determining the approximate quantity of the above-named mineral, if any, there is in said lands, what grade thereof it is, and its approximate depth below the surface.

"SEC. 4. That after the said investigation and surveys are made, the Secretary of the Interior shall expeditiously cause the said land to be graded or classified according to the kind, quality, and workability of the minerals contained therein, and the agricultural character thereof, and shall make a complete and full report to Congress showing the grading of the said land and the approximate character, quantity, and workability of the minerals contained in each of the grades submitted. At the beginning of each session of Congress such reports shall be made as to all lands examined and graded up to that time: *Provided*, That the Secretary of the Interior shall, as soon as practicable, make full and final report to Congress of all classifications heretofore made of the public domain, and such classification shall be considered with the classification herein provided for and, so far as found practicable, made a part thereof."

JOS. T. ROBINSON.  
SCOTT FERRIS.  
W. B. CRAIG.  
DUDLEY M. HUGHES.

#### VIEWS OF EDWARD T. TAYLOR.

The undersigned member of the Committee on the Public Lands is unable to concur in the report of the majority or the other members of the minority on H. R. 24070, entitled "A bill to authorize the President of the United States to make withdrawals of public lands in certain cases," and respectfully recommends as a substitute for the entire bill the following:

Strike out all after the enacting clause and insert the following:

"The President may, at any time, in his discretion, temporarily withdraw from location, settlement, filing, entry, or sale any of the public lands of the United States and of the District of Alaska, and reserve the same for classification or for other purposes, to be definitely specified in the orders of withdrawals, and such withdrawals and reservations shall remain in force until revoked by the President or by an act of Congress. The Secretary of the Interior shall report all such withdrawals to Congress immediately after the same are made, and if Congress be not in session at the time of a withdrawal, such report shall be made at the beginning of the next regular session after the date of the withdrawal: *Provided*, That such lands shall be expeditiously examined and classified, and when so classified shall be thereafter restored to appropriation and disposition under the laws applicable thereto.

"SEC. 2. No withdrawal heretofore or hereafter made shall affect the legal or equitable rights of any settler or entryman initiated prior to such withdrawal, and upon the restoration of any such lands in the United States all such rights shall attach of any bona fide claimant who prior to such withdrawal initiated a claim thereto and made valuable improvements thereon.

"SEC. 3. Nothing in this act, or in any order of withdrawal of the public domain heretofore made, shall be construed to prevent the location and entry of any of the agricultural, nonmineral public land of the United States under the provisions of the homestead or desert-land laws: *Provided*, That all such settlements and entries shall be subject to the right of the Government to examine and classify such lands, and if the same, or any part thereof, be found more valuable for other than agricultural purposes, the entryman's right thereto shall be relinquished, unless such entryman elects to take a surface title thereto, in which case he shall be allowed to enter the surface of said land, subject to the reserved rights of the Government to the coal, oil, gas, and other substances found thereon or therein that renders the same more valuable than for agricultural purposes.

"SEC. 4. Nothing in this act, or in any withdrawal heretofore or hereafter to be made, shall prohibit any person from entering upon any public lands in the United States for the purpose of prospecting, locating, and developing the mineral resources thereof.

3253 "SEC. 5. Nothing in this act, or in any withdrawal heretofore or hereafter to be made, shall be construed to in any manner affect the absolute title to and rights of the people of the arid States of the West to appropriate and use, subject to their local laws, the waters of all the nonnavigable streams within their borders for domestic, irrigation, manufacturing, power, or any other beneficial purposes: *Provided*, That if in his judgment it may be necessary to prevent a monopoly of water-power sites within any State or Territory, the President may temporarily withdraw such sites from entry and permit such States to acquire title to such lands so withdrawn, pursuant to such regulations as the Secretary of the Interior may establish, or as may hereafter be provided by law."

#### STATEMENT.

The first two sections of this substitute are substantially the same as the reported bill, with the exception that they recognize but do not expressly ratify or confirm former withdrawals.

Many withdrawals have been hastily and unwisely made and extremely and uselessly excessive and in ruthless violation of the rights of the western States and the counties and the people, and more especially the settlers and the Indians, and I do not believe in attempting to legalize a wrong or attempting to legislate anyone out of any rights he may have. But the withdrawals are made. No one can successfully litigate them, and it is probably useless to question them.

I am not so much concerned about the past as I am about the future policy of this Government in relation to the public domain, and I would not seriously object to the bill as reported if the committee would accept the provisions in sections 3, 4, and 5 of this proposed substitute.

No public-spirited citizen can desire to prevent or even seriously retard the settlement and development of the West. No matter how strong a conservationist a man may be, he can not honestly be desirous of preventing the settlement and cultivation of the actually agricultural public domain and the establishment of homes of citizens thereon; and I can not conceive how anyone can object to section 3, unless he is in favor of repealing the homestead and desert-land laws and absolutely preventing and seriously injuring the development of the West, because that section recognizes and preserves the rights of the Government and merely allows the continuance of agricultural entries.

Section 4 only applies to the precious minerals. There is no law now and never has been any law that could rightfully interfere with the prospecting, locating, and developing of our mineral resources. The development of the minerals of the West has always been one of the most important elements in the upbuilding of this nation, and I can not comprehend how any good citizen can desire at this time to change the policy of this Government in relation to the precious minerals or object to section 4.

Section 5 recognizes what the Supreme Court of the United States has affirmed in some thirty decisions—that the waters of the arid States of the West belong to the people of those States. The constitutions of the States of the West that were adopted and ratified by the enabling act admitting those States into the Union throw open to appropriation all the waters of the nonnavigable streams for beneficial uses upon the doctrine of priority of rights. There is nothing new about that. It is the unquestioned law of this Government. The proviso in section 5 authorizes the President to withdraw power sites and allow them to be disposed of to the State in which they are

situated, subject to such regulations as may be adopted by the Secretary of the Interior or enacted into law hereafter by Congress. It seems to me that that is the solution of the water-power question.

It is not the policy of this Government to capitalize the resources of the West for the purpose of making money out of them or out of the various States, or to permanently withdraw all of those resources and prevent them from going into private ownership. It is not for the best interest of the country that the Government should go into the coal business, or the oil, or asphaltum, or water-power business, or any other business that can be conducted by its citizens. It will take from fifteen to twenty years to classify the public lands, and a large portion of them can not be intelligently classified within that time. The only way to determine their value is to allow their entry for the purpose that they are the most valuable for at the present time.

There is nothing in this proposed substitute that is in violation of the principle of conservation; it protects the rights of the Government without permanently or seriously injuring the development of the West; and I respectfully submit that its adoption at this time would protect the rights of all, as well as the bill proposed, without the injury that the bill reported will surely inflict.

EDWARD T. TAYLOR.

*3723 Recapitulation of approximate areas withdrawn and total approximate area now withdrawn.*

	Acres.
1. Alaskan coal withdrawal .....	8,000,000
2. Conservation water resources.....	677,000
3. Withdrawals from all entries under reclamation act.....	570,700
4. Reservoir and power-plant withdrawals.....	40,000
5. Bird reservation withdrawals.....	
6. Coal withdrawals, United States, exclusive of Alaska.....	22,119,640
7. Oil withdrawals.....	3,555,200
8. Phosphate withdrawals.....	4,000,000
9. Winter game refuge withdrawal.....	138,240
10. National forests.....	194,500,043
11. Temporary withdrawals for proposed forests.....	7,940,486
12. Forest administrative sites outside of national forests.....	13,275
Total.....	241,554,584

APRIL 1, 1909.

THE POWER OF THE EXECUTIVE TO WITHDRAW PUBLIC LANDS.

The new States admitted into this Union come into it not simply as political equals with the old, but they are equals in every sense of the term, and that equality means the right to develop the natural resources and to avail ourselves of and utilize all the natural wealth within the limits and boundaries of the State. If a portion of the States may develop their natural resources and convert them into wealth and power, giving homes and prosperity to their citizens, while those in other States lie dormant and undeveloped, there is not that equality which the Constitution of the United States contemplates.

SPEECH OF HON. WILLIAM E. BORAH, OF IDAHO.

[In the Senate of the United States, Wednesday, May 11, 1910.]

Mr. BORAH said:

Mr. President, in the special message of the President under date of January 14, 1910, we find this statement:

"There has developed in recent years a deep concern in the public mind respecting the preservation and proper use of our natural resources. This has been particularly directed toward the conservation of the resources of the public domain. The problem is how to save and how to utilize, how to conserve and still develop; for no sane person can contend that it is for the common good that Nature's blessings are only for unborn generations."

The matter which I am going to discuss is one that is of great moment to the people of that portion of the country which I in part represent, although it must necessarily prove tedious and somewhat uninteresting as a subject of discussion.

The President says "the problem is how to save and how to utilize; how to conserve and still develop" our natural resources.

This announces a policy of conservation with which the West is or would be entirely satisfied. While there has been to some extent an understanding that the West is

opposed to the conservation of our natural resources, as a matter of fact the West is in entire accord with such a policy. We believe in economically caring for that which forms so large a part of the wealth of that country. Any policy which will save and at the same time utilize those resources, which will conserve and still develop, which will utilize them and still prevent monopoly, is a policy for which the West would stand, and in harmony with which the West would at all times be prepared to act.

Again the President says:

"The power of the Secretary of the Interior to withdraw from the operation of existing statutes tracts of land the disposition of which under such statutes would be detrimental to the public interest is not clear or satisfactory. This power has been exercised in the interest of the public, with the hope that Congress might affirm the action of the Executive by laws adapted to the new conditions. Unfortunately, Congress has not thus far fully acted on the recommendations of the Executive, and the question as to what the Executive is to do is, under the circumstances, full of difficulty. It seems to me that it is the duty of Congress now, by a statute, to validate the withdrawals which have been made by the Secretary of the Interior and the President, and to authorize the Secretary of the Interior temporarily to withdraw lands pending submission to Congress of recommendations as to legislation to meet conditions or emergencies as they arise."

This expresses the President's view with reference to the power of the Secretary, which, of course, is the power of the Executive to withdraw public lands without specific authority so to do. The President expresses doubt as to the authority to withdraw public lands without legislative action, and that is the question which I desire to discuss for a time to-day.

I think the President has stated in mild terms the doubtful authority of the Executive to act without legislative action. After considerable investigation I think it may be safely said that the Executive is without authority to act unless Congress has by terms given that authority.

I send to the desk at this time and ask to have read the statement of the President, made a few nights ago at Passaic, N. J.

The Secretary read as follows:

#### "STATE OF CONSERVATION BILLS.

"The conservation bills with reference to the public domain, by which the Government shall retain over the undisposed lands a power of disposition or readjustment of interest in water-power sites, coal lands, oil lands, and phosphates, are not in a very advanced state. The conditions are such as to make imperative in the interest of conservation the passage of only one law. That law has passed the House, and I am very hopeful that it will pass the Senate. It ratifies all the withdrawals of public land heretofore made, amounting to upward of 60,000,000 acres, and it specifically empowers the President to make other withdrawals when he desires to ask Congress to pass laws varying the existing laws for the disposition in this class of public lands.

"The absolute necessity of this act arises from the very grave doubt whether the reservation of 60,000,000 acres, if subjected to the test of legality in the courts, could stand it. It is a very grave question whether the Executive has the power to make reservations thus in extenso merely to avoid the disposition of the land under existing congressional enactment; and there are those in the West who, taking advantage of the doubt in question and assuming that the withdrawals are without authority, are staking out claims with a view to testing their validity in the courts.

"Should the courts hold that the executive authority has been abused in this regard, then it will leave the public domain in a mess. For this reason I sincerely hope the status quo will be maintained by the speedy passage of the act in question through the Senate."

Mr. BORAH. I do not propose to discuss to-day in detail the provisions of any bill. I think in passing I should say, however, that it seems to me some authority, specific in its terms, should undoubtedly be extended to the Chief Executive with reference to this matter. There are conditions and emergencies which require the exercise of such a power, and if exercised it should be exercised lawfully. To what extent that authority should be given, the limitations which should be prescribed, are matters which I may discuss at a later date.

The first question to be settled is one of great moment, and that is whether or not the President now has the power to act without legislative authority. We must necessarily look for that authority, it seems to me, either in the provisions of the Constitution or in some legislative act. There has been a contention to the effect that the President has some inherent power, some dispensing power, not necessarily found in any provision of the Constitution or in any act of Congress. But it seems

to me that it is too well settled to admit of discussion that we must go first to the provisions of the Constitution to find what authority is there given the Chief Executive over this subject, and, second, if we do not find authority there, we must hope to find it, if it exists at all, in some act of Congress. There nowhere obtains in the Government the arbitrary power which acts without legal authority.

Referring briefly to the provisions of the Constitution with reference to the authority of the Chief Executive, we do not find that the Executive is given any control over the public domain in any manner whatever, much less any dispensing power over the laws of Congress. That jurisdiction, the disposing of the public lands, is, by the terms of the Constitution, conferred upon Congress itself. The second section of Article II of the Constitution says:

"The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States"—

That is his commandship—

"He may require the opinion, in writing, of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

"He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

"The President shall have power to fill up all vacancies that may happen during the recess of the Senate by granting commissions which shall expire at the end of their next session.

"He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States."

Those are the powers of the Executive as defined and prescribed in the fundamental law. It is sometimes argued that in this phrase we find the authority for suspending the law, "he shall take care that the laws be faithfully executed," it being contended that if the President is satisfied that a public-land law is not being faithfully executed the power to see to its execution implies the power to suspend the law or to suspend or deny the right to avail one's self of the terms of the law. In other words, when we follow to its logical conclusion the contention that the President has the power to suspend a public-land law, we arrive at the point finally and inevitably where the dispensing power of the President prevails over every law that may be enacted by Congress. If he may suspend a public-land law and deprive a homesteader of the right to enter the land, as Congress has provided, he may suspend the law with reference to public revenue; and there is, I say, lodged in him as a result of that argument that power concerning which the English people had considerable to do with King James and some other of their kings.

Mr. BACON. Will the Senator from Idaho permit me to ask him if he has ever heard that argument gravely announced and urged by any respectable authority?

Mr. BORAH. I will say—

Mr. BACON. I confess I asked the question because the argument strikes me as being so monstrous that I can not conceive it possible that anyone who has any conception of the genius and spirit of our institutions should ever have adopted it, leading, as it inevitably does, logically to the conclusion that the Senator from Idaho has just announced—the power to suspend one involves the power to suspend all.

Mr. BORAH. Undoubtedly the contention has been made a great many times by a great many respectable people that the President has the power to withdraw public lands from entry.

Mr. BACON. Yes.

Mr. BORAH. And that he may withdraw those lands, although they be such lands as, under the act of Congress, a citizen may claim the right to enter.

Mr. BACON. The point I was after, not applying it to this particular case, was whether or not the Senator had ever heard from any respectable authority the sugges-

tion that investing the President with the power and duty to execute law vested him with the power to let it alone and in that way suspend the law. I am not speaking of this particular concrete case, but as a general proposition.

Mr. BORAH. I think I can, before I conclude, call the Senator's attention to language which can have no other construction; but whether the language would be specific to that effect or not, the principle contended for must inevitably lead to that result.

The Constitution does say, however, in Article IV, section 3:

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

The Constitution confers upon Congress alone the power to dispose of public lands and to provide the methods and means by which they shall be acquired by a citizen, and only in the execution of such laws as Congress enacts can the President act.

I maintain, Mr. President, that without some action upon the part of Congress it is not within the power of the President to deal with the public lands at all any more than he may deal with any other subject-matter without finding his guide and his rule either in the Constitution or in the laws of Congress.

Being unable to find any authority, specific or implied, in the terms of the Constitution authorizing the President to withdraw public lands from entry wherein the right to enter has been provided for by acts of Congress, we next inquire whether or not Congress has provided any statute by the terms which the President is authorized to reserve public lands.

From time to time, from 1804 until the present time, Congress has upon different occasions provided specifically or in a general way that the President might withdraw lands from entry for certain purposes. Scattered all through the statutes from 1804 to the present time we find authority, for instance, for the President to withdraw lands for military purposes for forts and arsenals, and for other purposes connected with the use of the Government. There is sufficient authority now in the statutes, in my judgment, to enable the President to withdraw lands for specific purposes named and provided for. But no authority is found in any act of Congress authorizing generally the power to withdraw the public lands from entry wherein it has been provided upon the part of Congress that the citizen may make entry.

It would be difficult to understand an argument which did not involve as its basis the proposition that this authority must exist somewhere, either in the Constitution or in legislative action. We must hope to find either by the provisions of the Constitution or by an act of Congress this authority which we are seeking to have an officer, the representative of a delegated and limited power, exercise.

It would make no difference to me how long the practice had prevailed or how long the custom had obtained of exercising this power, if I were unable to find authority for it, either in the Constitution or the statute. I would be compelled to conclude at once that neither the practice nor the prevailing custom could establish that authority or that right upon the part of the President. It would not be conclusive to my mind even if the courts had tacitly recognized, as it has been said they have, the authority of the President to withdraw lands in contravention of the terms of the statute or without authority of the statute, because the rule is so well established and so permanently embedded in our jurisprudence that the Executive can act alone in accordance and in harmony with and under the dictates of either the fundamental law or the statute, that anything other than the express authority would not be a satisfactory reason for the action.

But from the beginning of the Government to the present time it has been assumed that the President was without this power until it was given by Congress. I know it has been said upon the floor of the Senate and it has been said numerous times in other places, that this is a practice which has prevailed from the beginning of the Government; that the President has always exercised this power; that it has been tacitly recognized by the courts, and that Congress has assumed the authority in the President to do this without authority upon the part of Congress.

Upon the other hand, we find, as a matter of fact, that from the beginning Congress has assumed that the Executive was without such authority unless there has been action upon the part of Congress. The Executive has not even undertaken to reserve land for military purposes or governmental uses without specific authorization so to do. That has been a construction which Congress has placed upon the statute and the power of the Executive from the beginning. From the time we began to deal with the public lands until the present, Congress has assumed that the President can act alone in authorization of a law enacted by the lawmaking body of the land.

We find this clause in many special acts running through different statutes:

"That such portions of the public land as may be designated by the President of the United States for forts and magazines shall be reserved and excepted from the operation of this act."



That is found in the act of September 27, 1850, creating the office of surveyor-general of Oregon and providing for throwing open the lands to entry in the State of Oregon. While I shall not take the time of the Senate to point out all the instances in which such provisions appear, they are nevertheless found throughout the statutes from the beginning of legislation upon this subject until the present time. Wherever lands have been thrown open for entry or new territory acquired and Congress has assumed to legislate concerning that territory, it has invariably, so far as I have been able to find, incorporated in the acts concerning that subject the specific authorization of the President to withdraw the lands for governmental uses. But nowhere do we find any authorization to cover the withdrawal for other than specific uses. Congress has never even seen fit to grant the general authority, the universal power, you might say, to do so, but for specific purposes and specific reasons only Congress has given the President that power.

I call attention to some of these statutes.

April 12, 1792 (1 Stat., 251), the President was authorized to reserve certain of the lands in the Northwest Territory for the accommodation of a garrison; by the act of March 26, 1804 (2 Stat., 277-280), the President was authorized to reserve certain salt springs in Indiana Territory; by the act of April 21, 1806 (2 Stat., 391), the President was authorized to reserve salt springs and lands contiguous thereto in the Territories of Orleans and Louisiana; by the act of March 3, 1807 (2 Stat., 448), the several lead mines in Indiana Territory and such lands contiguous thereto as the President might deem necessary were reserved from disposition; by the act of February 21, 1812 (2 Stat., 684), the President was authorized to reserve certain lands in Illinois Territory for the use and support of a public salt works; by the act of June 13, 1812 (2 Stat., 748), the President was authorized to reserve lands in Missouri Territory for military purposes; by the act of March 1, 1817 (3 Stat., 347), the Secretary of the Navy, under the direction of the President, was directed to make selection of tracts producing timbers necessary to furnish a sufficient supply for the navy, such lands to be reserved by the President "unless otherwise directed by law;" by the act of March 3, 1863 (12 Stat., 819), the President was authorized to reserve lands for the use of certain Indian tribes; by the act of March 3, 1863 (12 Stat., 754), the President was authorized to reserve town sites on the shores of harbors at the junction of rivers; by section 24 of the act of March 3, 1891 (26 Stat., 1095), the President was authorized to reserve public land bearing forests or undergrowth as public reservations, and by proclamation to declare the establishment of such reservations and the limits thereof, and by the act of June 4, 1897 (30 Stat., 36), the President was authorized to modify or vacate any such order; by the act of June 17, 1902 (32 Stat., 388), the reclamation act—withdrawal of lands for reclamation purposes—was authorized.

We find, therefore, that from the beginning of legislation by Congress upon this subject Congress has assumed, and the Executive has assumed, and the courts have assumed, and as I shall show in a few moments, I think, have specifically decided, that without authority the Executive could not act.

Nevertheless, it is sometimes said that the authority to withdraw public lands on the part of the President has never been doubted until within the last three or four years; that those who feel that they must have lawful authority to act, as does the present President of the United States, are raising a question which is new and contrary to the custom and the practice which have long prevailed. In looking through the decisions of the Department of the Interior, running back a great many years, I find, upon the other hand, that the great Secretaries of the Interior have almost universally refused to exercise this authority, and in the instances where they seem to have done so upon one or two occasions they have expressed a doubt of their right to do so.

In the case of Fort Boise Hay Reservation, Sixth Land Decisions, page 16, a United States statute limited the amount of land that the President was authorized to withdraw for military posts to 640 acres. In the case of Fort Boise, Boise, Idaho, the President issued an order including several hundred acres more. The order was held void and the entry good. Secretary Lamar, who afterwards occupied a place upon the Supreme Bench, passed upon the question, and he said:

"The only question to be determined is whether the land were subject to disposal under the general land laws when said several claims were initiated. Prior to date the executive order creating hay reserves the land embraced in them was subject to such laws, being open public lands."

The question, as we will see, here arose over the fact that this withdrawal had been attempted upon the part of the Executive; that a private citizen had made entry on this land; and the question was whether the Executive exceeded his authority in withdrawing more lands for military purposes than the specific act of Congress authorized him to do. Certainly, it must be conceded that if the President has this power

to suspend the operation of the public land laws concerning any part of the public land, it would be over that land contiguous to the land which was utilized for governmental purposes and which they desired to use in addition for governmental purposes. But it was held that in this case that power did not exist:

"It is true that the Executive, for the purpose of carrying out the will of Congress as expressed in legislation, may put lands in reservations without special authority, and equally true that lands so reserved for such purposes are not subject to disposal under the general laws, although the reservation was not contemplated by law. \* \* \* Will such an act take the lands out of the class of public lands and require their disposal by special enactment? To so hold would indicate that the Executive might, in violation of law"—

The law which subjects it to entry by the citizen—  
"put in reserves for military purposes any amount of lands and thus take them out of the operation of the general land laws. To assert such a principle is to claim for the Executive power to repeal or alter acts of Congress at will. \* \* \* If the order of the Executive reserving lands for military purposes beyond the limit fixed by Congress will serve to take such lands out of the operation of the public land laws, the principle involved must extend far beyond the present case and ultimately trench on the control of Congress over the public domain."

This decision has weight, in my judgment, by reason of the fact that the Secretary who rendered the opinion, one of the great Secretaries of the Interior, was a man who afterwards filled, in a most honorable way, a position upon the highest judicial tribunal of the land. He said that to give the President the power to include more land than Congress authorized for military purposes was to lay the basis for a power which would enable the President to suspend the operation of all congressional action, which, as I said a few moments ago, is where this argument must inevitably lead. He has no power in reference to public lands peculiar to that subject. He has no power in this instance that he could not exercise with reference to any other law.

Mr. President, that is one reason why this is a very grave and important question, as it establishes, if it is to be established, a most vicious practice in our system of government, and one which the people after a short experience would be quick to remedy.

In the case of the Seventh Land Decision, page 100, we find another instructive citation. This decision was one that was carefully considered and exhaustively treated. It involved the right of a second withdrawal under a second line of the location of a railroad. In discussing the power of withdrawal generally the Secretary said what I shall read. This opinion was rendered by Secretary Vilas, a man who, as we all know, was respected as a profound lawyer in his day. The facts, I might say further, were these: A railroad grant was involved. The grant covered certain place-limit lands, and by the terms of the grant those lands within that limitation were specifically withdrawn by Congress, and the Secretary of the Interior was authorized upon survey being made and maps being filed to reserve them from entry. Ten miles beyond the place-limit lines was what was known as the indemnity grant. Out of this indemnity land the railway was to be permitted to select whatever lands it lost within the place limits of its grant. It had been contended that the Secretary of the Interior had the power to withdraw the lands not only within the place-limit grant but also within the indemnity grant. This raised specifically the question of the supervising power of the Secretary of the Interior over the public lands, or, in other words, what is called the supervisory power of the President, for which much contention is made in these days.

There was some semblance of reason for the exercise of the power in this instance, because, as I have said, the indemnity land was intended to go to the railroad in case it was necessary to make up the loss within its place-limit grant. The railroad contended for the implied power. But Mr. Vilas, Secretary of the Interior, said:

"The power of the President to reserve any portion of the public domain to some authorized public purpose is undeniable; and it is also well settled that the action of the head of a department may be presumed to be the action of the President when taken according to law, and when it is to be presumed the President directed it. (*Grisar v. McDowell*, 6 Wall., 380; *Wolsey v. Chapman*, 101 U. S., 769; *Walcott v. Des Moines County*, 5 Wall., 688.)"

The cases which he cites from the Supreme Court on the cases usually relied upon to establish the broad power of the President:

"The extent to which the Supreme Court has gone in its decisions and the extent which the reason of the thing supports appears to be that the President may in execution or furtherance of a public purpose committed generally or specially by Congress to the Executive to effectuate, when, in his judgment, such action is desirable to the accomplishment of that purpose and will not infringe any limiting provision of

statute governing the particular case, withdraw or withhold by his order any portion of the public domain from the operation of general laws for its disposition, and devote it to such public use, subject to review by Congress; and also that in such a case the order of the department or land office will be conclusively presumed to have been directed by him without proof of the fact and probably irrespective of it. \* \* \* The principle does not, however, contemplate an arbitrary or capricious suspension of the statutes, much less the contravention of a particular mandate expressed or clearly implied even by the President's direct act."

The rule stated by Mr. Vilas, in my judgment, is the correct rule and the correct interpretation of the decisions of the Supreme Court—that the President may unquestionably withdraw the public lands for any purpose specified either generally or specifically by Congress. I do not contend that the President must have specific power to withdraw each particular piece of land which he seeks to withdraw. The authorization may be in a sense general. But he must have that authorization, which clearly establishes his power to act in that particular instance. As Mr. Vilas says, the Supreme Court has never held, and undoubtedly it will never hold, that this power of the President, to be found in a particular statute, is to be construed into an arbitrary or a capricious power to withdraw in contravention of the terms of Congress whenever the Chief Executive may see fit to do so.

We have the homestead law; we have the desert-entry law; we have had the pre-emption law. Now, what is the contention? The contention is that the President might say to-morrow that these land laws are being executed in an undesirable way; that people are acquiring titles in a way which is out in accordance with the terms of the law; and that, therefore, in the execution of the law he will suspend the law.

Mr. Hoke Smith, Secretary of the Interior, in discussing this matter, in 19 Land Decisions, page 87, said:

"The practice of issuing executive orders for the withdrawal of public lands from sale or other disposal because they were or might be needed for public purposes or to effectuate grants has undoubtedly existed for many years and grown with its use. But the origin of this asserted power on the part of the Executive is involved in obscurity."

It is, Mr. President, to some extent involved in obscurity, for the reason that those who have undertaken to defend or criticize the power have not gone to the trouble of going back into the history of the statutes by which the power was first established. But I maintain that this power did not begin in that obscurity which implies the want of legislative action to initiate it. I know that as early as I find any withdrawal of public lands I find somewhere within the statutes, either conspicuously or more or less obscure, the authority upon the part of the President to act.

Take, for instance, the case of Wilcox, cited in Thirteenth Peters, which is often cited as authority for this proposition. We find when we trace back to its source the authority for the reservation in that case that it was founded upon a specific act of Congress. I have not been able to find a decision where there was not legislative action. It is true it was not always easy to connect the act of the President with the specific statute in hand without some investigation, but investigation would lead to the ultimate conclusion that the authority existed somewhere in the law. Of course one may be in error about a matter covering so long a period of time, but I assert, with great confidence in the correctness of my position, that the Executive has never undertaken to withdraw public lands for any purpose without authority from Congress to do so, until within the last five or six years:

"But the origin of this asserted power on the part of the Executive is involved in obscurity. In view of the provision in article 4 of the Constitution conferring upon Congress exclusive 'power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States,' it would seem there ought to be some legislation which either by expression or clear implication confers upon the Executive so important a power as that of withholding public lands from the operation of the laws relating to their disposal whenever in the discretion of the Executive it is thought proper to do so—a disposal, be it remembered, expressly reserved by the Constitution to Congress itself. \* \* \* So great is the power claimed, so far-reaching and dangerous may be the results of its exercise that if the matter were submitted to me as an original proposition I do not think I would be warranted in ordering such a withdrawal in the absence of legislation and entirely upon a supposed power inherent in the Secretary of the Interior."

Mr. Lamar says again, in a decision (6 L. D., p. 84), while he was Secretary of the Interior:

"Were I called upon to treat as an original proposition the question as to the legal authority of the Secretary to withdraw from the operation of the settlement laws

lands within the indemnity limits of said grant, I should at least have such doubts of the existence of any such authority as to restrain me of its exercise."

Mr. President, these decisions were all rendered in instances where there was a serious contention to the effect that the implied power to withdraw was to be found in the statute. Nowhere do they contend or intimate that there is that authority existing without some implication of its existence being found somewhere in the statute.

I now call the attention of the Senate to the decision in (180 U. S., p. 139) *Hewitt v. Schultz*. I direct the Senate's attention to the fact that this case of *Hewitt v. Schultz*, as reported in the Supreme Court's decisions, is a reversal of the case of *Hewitt v. Schultz*, which is so often cited as authority for the power of the President to withdraw public lands.

The supreme court of North Dakota, in the case of *Hewitt v. Schultz*, held that that power did exist in the President, but the case went to the Supreme Court of the United States, and the Supreme Court of the United States reversed the decision of the North Dakota supreme court. Notwithstanding this, the opinion of the state court continues to be cited in support of that authority. I will only read enough of the decision to show the points decided:

"The land in dispute, the finding of facts states, was coterminous with such line of definite location, was more than 40 but within 50 miles of such line; that is, was within the indemnity limits, and was at the date of such location public lands to which the United States had full title, not reserved, sold, granted, or otherwise appropriated, free from preemption or other claims or rights, and nonmineral in character.

"It may be here observed that the controlling question in this case is whether it was competent for the Secretary of the Interior, upon receiving and approving the map of the definite location of the road, to make the above order of withdrawal in respect of the odd-numbered sections of land within the indemnity limits; that is, of lands between the 40-mile and 50-mile limits. This question will be adverted to after we shall have stated other facts material in the case."

At page 145 of the opinion it is said:

"Was it competent for the Secretary of the Interior, immediately upon the acceptance of the map of definite location, to include in his withdrawal from sale or entry lands within the indemnity limits? Was he invested with any such authority by the act of July 2, 1864 (13 Stat., 365, c. 217)? Did Congress intend by that act to declare that when the railroad company indicated its line of definite location the odd-numbered sections outside of the 40-mile limit and within the 50-mile limit, on each side of such line, along the whole of the line thus located, should not be subject to the preemption and homestead laws until it was finally ascertained whether the railroad company was entitled by reason of the loss of lands within the place or granted limits to go into the indemnity limits in order to obtain lands to meet such loss? An answer to these questions may be found in the act of July 2, 1864, as interpreted by the Land Department for many years past. We will now advert to such of the provisions of that act as are pertinent to the present inquiry."

I do not propose to read more of this authority, for the reason that the opinion proceeds now to quote the language of Mr. Vilas, which I quoted a few moments ago, to the effect that the Secretary of the Interior—who, of course, is the President, because whatever the Secretary of the Interior does is conclusively presumed to be the act of the President—has no authority to withdraw any lands other than those which the statute authorizes him to withdraw; and that is true, notwithstanding the fact that those lands may ultimately belong to the party for whose advantage they are sought to be withdrawn. The court thus overruled the decision of the state court, and held that it was not within the power of the Secretary to withdraw those lands. If the President had this authority to withdraw public lands in the execution of any law, according to the interpretation which he might put upon the execution of it, certainly it would not be necessary for the Supreme Court to look for express terms within the statute for such authorization, because the contention is that the power is inherent, that it exists without law and against or over the express provisions of law.

Mr. JONES. Mr. President—

The PRESIDING OFFICER (Mr. Curtis in the chair). Does the Senator from Idaho yield to the Senator from Washington?

Mr. BORAH. I do.

Mr. JONES. I went over that case, and also the case in One hundred and eighty-third United States Reports, rather hurriedly; but my recollection is that neither in the case to which the Senator from Idaho has just referred nor in the one in One hundred and eighty-third United States did the court expressly hold that the President or the Secretary of the Interior was prohibited from withdrawing lands by the

terms of the statute itself. Therefore, it seems to me that neither one of those cases—I do not now remember in which one that declaration was made—would be in point.

Mr. BORAH. Mr. President, does not the Senator from Washington see at once that, if the President has the power to suspend any law, he may suspend a prohibitory law as well as a permissive law?

Mr. JONES. There is no question about that.

Mr. BORAH. The statute now provides that agricultural lands may be entered by the settler upon complying with the terms of the act of Congress. The President withdraws the land from entry. Here in this case the statute provided that those lands within the indemnity-land grant should be open to entry under the preemption and homestead laws. What is the difference between the two propositions?

Mr. JONES. The only point I was making—and I want to say to the Senator that I am rather inclined to agree with his contention, and have been all the time—the only point I was making was that the Supreme Court in its decision expressly holds that the statute itself expressly prohibited the withdrawal, therefore negating any general power that might be contended for of the President. That was the only point.

Mr. BORAH. The position that I take in regard to that is that it is simply a question of the extent of power. For instance, if the agricultural land in my State is expressly thrown open to entry by the acts of Congress, providing that a citizen of the United States being 21 years of age and doing certain things may acquire title to that land, and the President withdrew it, in what respect would he be exercising a power different from that exercised wherein the statute declared the indemnity lands open for entry? It simply applied the general homestead law to an indemnity grant.

Mr. SUTHERLAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I do.

Mr. SUTHERLAND. Mr. President, I quite agree with what the Senator from Idaho [Mr. Borah] has been saying upon this subject. It occurs to me the suggestion made by the Senator from Washington [Mr. Jones] may be settled by a very simple test. When Congress passes a law providing that certain lands shall be open to settlement, to entry, and the executive power withdraws a portion of those lands from settlement, the order, if effective, is, in substance and effect, a repeal pro tanto of the law; and the repeal of the law is as much the exercise of the lawmaking function as is the making of the law originally. So if it is conceded that the executive power has this authority, we necessarily concede to the executive power the right to make laws; in other words, to exercise the legislative power which is vested in Congress, and in Congress alone.

Mr. BORAH. The Senator from Utah states the proposition with clearness and precision.

Mr. President, the Northern Pacific grant, which was being construed in this case, as interpreted, provided nothing more than that the general land laws, the homestead laws, and preemption laws should extend to the indemnity lands. That would be no different than the law which prevailed with reference to entering lands outside of the indemnity grant, because in both instances Congress provided that the citizen going upon the land and complying with certain conditions should have the right to acquire title to it. In my opinion this case would have been no different had the indemnity-grant clause not contained the provision that the general land laws should apply to the indemnity grant, because without that clause the general laws would have applied to it unquestionably unless it was expressly reserved from entry.

Mr. JONES. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Washington?

Mr. BORAH. I do.

Mr. JONES. Mr. President, as I understand the position of the Senator from Idaho, it is that in the laws providing for the homesteading of lands, and so forth, by the very terms of the law the President is prohibited from withdrawing the lands, precisely as was true in the case just cited. While they did not in specific terms prohibit him from withdrawing, yet the court construed the language of the act as prohibiting him from making a withdrawal. I simply want to bring the point out clearly of the effect of that decision. While the court does say that the language of the act prohibits the withdrawal, yet the language of the act is no broader and no more specific than is the language of the law providing for the disposition of the public domain by homestead, preemption, and so forth, and, in other words, that decision would sustain the contention that these laws really prohibit the President from exercising the power of withdrawal, because, as has been said, it would be a suspension of the law.

Mr. BORAH. Mr. President, the prohibition of which the Senator from Washington speaks was not found in prohibitory language.

Mr. JONES. No; but the court—

Mr. BORAH. The prohibition which the court speaks of is found to exist by reason of the fact that Congress said that this land should be open to entry. The terms of the grant do not say that the President shall not withdraw this land. No such terms as those were found in the act. It simply provided that those lands should be open to entry under the homestead and preemption laws. That is no different language from that which covers all the land which is subject to entry under those land laws.

Mr. JONES. That is the point I was trying to bring out definitely with reference to it, that this decision does, in effect, sustain the contention that the President, by the language of the preemption and homestead law, and so forth, is really prohibited from exercising that power.

Mr. BORAH. I think that is a correct interpretation of it; in other words, whenever Congress says that a certain class of lands shall be open to entry, that language may be very properly interpreted as a prohibition against withdrawing them from entry, because Congress has declared they shall be subject to entry.

I call attention to one other authority, the case of the *Southern Pacific v. Bell* (183 U. S., 675). I will only read from the syllabus of this case, because it follows the case I have just cited:

"The Secretary of the Interior had no authority, upon the filing of a plat in the office of the Commissioner of the General Land Office, to withdraw lands lying within the indemnity limits of the grant from sale or preemption; and a patent issued to a settler under the land laws, prior to the selection made by the railroad company, of the land in dispute as lieu lands, was held to be valid, notwithstanding the lands lay within the 40-mile strip ordered by the act to be surveyed, after the general route of the road has been fixed."

Then they cite the case of *Hewitt v. Schultz* in support of the present holding.

I will read section 6 of the Pacific land-grant act, as it brings into relief the suggestion made by the Senator from Washington [Mr. Jones].

"Sec. 6. *And be it further enacted*, That the President of the United States shall cause the lands to be surveyed for forty miles in width on both sides of the entire line of said road after the general route shall be fixed, and as fast as may be required by the construction of said railroad; and the odd sections of land hereby granted shall not be liable to sale or entry or preemption before or after they are surveyed, except by said company, as provided in this act; but the provisions of the act of September, eighteen hundred and forty-one, granting preemption rights, and the acts amendatory thereof, and the act entitled "An act to secure homesteads to actual settlers on the public domain," approved May twentieth, eighteen hundred and sixty-two, shall be, and the same are hereby, extended to all other lands on the line of said road when surveyed, excepting those thereby granted to said company."

It will be observed that this act simply extended the homestead laws to that grant. It perhaps was not necessary, and only as a matter of abundant precaution, perhaps, was it done.

In One hundred and twenty-second Federal Reporter, page 703, the court says:

"The truth is, however, that the President or a head of a department of the Government can not reserve any public lands from sale except when authorized by some treaty, law, or authorization by Congress. (*United States v. Blendower*, 122 Fed., 703.)"

This is one of the authorities which are cited in support of the power of the President to withdraw public lands without congressional authority. Before I refer to any more cases, I want to put into the Record, in order that I may be eminently fair in regard to this matter, the cases which have been cited in support of the power of the President to withdraw public lands without congressional authority. The following are some of the cases: *Grisar v. McDowell* (6 Wall., 364); *Wilcox v. Jackson* (13 Pet., 498); *Walcott v. Des Moines Company* (5 Wall., 681); *Hamblin v. Lands Company* (147 U. S., 531); *Northern Pacific Railway v. Musser-Sauntry Company* (168 U. S., 607); *Spencer v. McDougal* (159 U. S., 62); *United States v. Payne* (8 Fed. Rep., 883); *United States v. Tichenor* (12 Fed. Rep., 415); *Northern Lumber Company v. O'Brien* (139 Fed. Rep., 614); *Russian Packing Company v. United States* (39 Ct. Cls., 460); *United States v. Blandauer* (122 Fed. Rep., 703)—that is the authority from which I have just quoted; *Florida Town Improvement Company v. Bigalsky* (33 So. Rep., 450); *O'Connor v. Gertgens* (89 N. W., 866); *Hewitt v. Schultz* (76 N. W., 230).

That was a case which was afterwards reversed by the Supreme Court, and to which I have called attention. I am quoting from the report of the Secretary of the Interior of 1908, page 13.

Mr. SHIVELY. Mr. President—

THE PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. BORAH. I do.

Mr. SHIVELY. Mr. President, I think back in the year 1887 there was a little occurrence that tends to illustrate what the Senator from Idaho has been so well showing. There were a great many charges flying about at that time in reference to fraud in the land offices of the country. The then Commissioner of the General Land Office issued a general order suspending the issue of patents all over the country. It met with some approval at the time, but it was very soon discovered that under that system the little finger of the Commissioner of the General Land Office was stronger than the loins of the law, and the then commissioner was soon thereafter separated from his office.

Mr. BORAH. I remember that, as do others who lived in the West.

Mr. JONES. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Washington?

Mr. BORAH. I yield.

Mr. JONES. There is another case that seems to be relied on by those who contend that the President has the power to withdraw public lands from entry which is not cited in the list read by the Senator, the case of *Gibson v. Anderson* (65 U. S. Court of Appeals Reports). I do not know whether or not the Senator has examined that case.

Mr. BORAH. I do not recall it at present.

Mr. JONES. It is a case arising in my own State. It seems that in 1881 the President by executive order set aside certain lands in the public domain for an Indian reservation known as the Spokane Indian Reservation. Under the Revised Statutes, section 2319—and I think I shall read that so as to put it in the Record, and I call the Senator's attention to its broad language—it was provided:

"SEC. 2319. All valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase, by citizens of the United States and those who have declared their intention to become such, under regulations prescribed by law, and according to the local customs or rules of miners in the several mining districts, so far as the same are applicable and not inconsistent with the laws of the United States."

After the proclamation of the President withdrawing these lands from public entry, certain persons went onto the lands and sought to locate them under the mineral laws of the United States. The matter got into court. It was contended by those who sought to enter the lands under the mining laws that the reservation of the President was not valid as against these entrymen. In the decision the court says:

"To show that there was equity in the bill, the appellant advances the proposition that the act of Congress embodied in section 2319 of the Revised Statutes (U. S. Comp. St. 1901, 1424), declaring all mineral deposits in the public lands of the United States open to exploration and purchase, and the lands containing the same to occupation and purchase, can not be repealed or suspended by a proclamation of the President. But there is no question here of repealing or suspending the operation of an act of Congress. The question is whether the President could, by proclamation, reserve a portion of the unoccupied public lands of the United States for an Indian reservation."

The court went on to hold that he could do it. I do not know whether the Senator has made an investigation sufficient to say whether or not there is specific authority conferred by statute upon the President to withdraw lands from Indian reservations. The courts do not refer to any such legislative authority in the decision, but they apparently hold broadly that the general power of the President to withdraw lands could be exercised in a case of this kind.

Mr. BORAH. What is the date of that opinion, may I ask the Senator?

Mr. JONES. The decision was made on May 3, 1904.

Mr. BORAH. I can not state as to what authority existed at that particular time. There has been plenty of statutory authority from time to time, but whether it availed at that time or not I do not know, giving the President power to withdraw lands for Indian reservations.

Mr. JONES. The court does not seem to refer to any such legislative authority. They quote, however, from another case, the case of *McFadden v. Mountain View Mining and Milling Company* (97 Fed., 670; 38 C. C. A., 354), in which the court said: "There can be no doubt of the power of the President to reserve those lands of the United States for the use of the Indians—"

And so forth.

Mr. BORAH. As I have said, from time to time Congress has granted the power to the President to reserve lands for Indian reservations. I would not undertake to say that there was a statute authorizing that—

Mr. HEYBURN. Mr. President, I think I can help out a little on that.

The PRESIDING OFFICER. Does the Senator from Idaho yield to his colleague?

Mr. BORAH. I do.

Mr. HEYBURN. In that particular case there was a treaty negotiated with those Indians. It came to Congress for ratification, and Congress substituted an entirely new arrangement.

Mr. JONES. But the treaty was negotiated long after the order of withdrawal.

Mr. HEYBURN. No; the treaty was negotiated some years before.

Mr. JONES. The treaty was negotiated in 1887, and the order of withdrawal was in 1881, according to the decision of the court.

Mr. HEYBURN. The matter was tied up for a long time. The question did not turn upon the treaty, but turned upon the action of Congress. The case was reviewed by Judge Hanford in a case that I argued before him—in fact, I think I was the attorney in the case just cited by the Senator—and the matter was thoroughly gone into. The court decided that the title rested upon the act of Congress and not upon the withdrawal or the proceedings of the President.

Mr. JONES. I called attention to the case in order to get the distinguishing features of it, if possible. I desire to say that the decision of the court of appeals does not refer to any proposition like that suggested by the Senator from Idaho.

Mr. BORAH. Mr. President, the case of *United States v. Tichnor* (12 Fed., 415) is another one of the authorities cited in the report of the Secretary of the Interior, and from that case I quote:

"The power to dispose of the public lands is granted to Congress. No appropriation of them can be made for any purpose but by the authority of Congress."

That is from the language of Judge Deady, one of the ablest judges of his day.

*Woolsey v. Chapman* (101 U. S., 755) is another case cited and relied upon for the authority contended for, and from that case I quote:

"The truth is there can be no reservation of public lands from sale except by reason of some treaty, law, or authorized act of the executive department of the Government."

In the case of *Burfenning v. Railway Company* (163 U. S., 319) it is said:

"The action of the land department can not override the expressed will of Congress or convey away public lands in disregard or defiance thereof."

In the case of *Parker v. Duff* (47 Cal., 561-562), the supreme court of California said:

"In the exercise of its exclusive power under the Constitution, Congress has established a land department for the management and sale of the public lands. This department is under the immediate supervision of the Commissioner of the General Land Office, subject to the supervisory control of the Secretary of the Interior. \* \* \* The duties of all these officers are prescribed by law, \* \* \* and, in permitting entries to be made \* \* \* must look only to the acts of Congress and to such regulations. \* \* \* They have no powers except such as are derived from these sources. \* \* \* They are the mere creatures of statutory law, from which all their powers are derived."

"The treaty-making power can not confer upon the land department any authority, nor enjoin upon it any duty \* \* \* except with the consent of Congress, which is the source of all its powers."

In *Fifteenth Peters*, page 420, the Supreme Court said:

"Had this tract of land been severed from the public domain by a legal appropriation of it for any public purpose, Fitzgerald could have acquired no right to it \* \* \* because the land would not have been subject to the preemption law."

"Was this land so appropriated? The preemption law \* \* \* declares that the right of preemption shall not extend to any land reserved from sale by act of Congress or by order of the President or which may have been appropriated for any purpose whatever. \* \* \* No appropriation of public land can be made for any purpose but by authority of Congress. By the third section of the fourth article of the Constitution of the United States power is given to Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States. As no such authority has been shown to authorize the collector at New Orleans to appropriate this land to any use whatever, it is wholly useless to inquire whether his acts, if they had been authorized by law, would have amounted to an appropriation."

I now read, Mr. President, the opinion of a former Attorney-General, our present Secretary of State, Mr. Knox, upon a subject directly bearing upon the matter under discussion:

"It is true that the United States has the absolute title to and ownership of all the public domain, including the forest reservations, and equally true that this title and ownership carry with them the right of either absolute or partial exclusion from such lands, and the right to permit intrusion thereon for such purposes and upon such terms



as the owner may prescribe. And I have no doubt that, as incident to such ownership, Congress has the power, if it so choose, to absolutely prohibit the intrusion of the public into any of the public lands or to prohibit it for certain purposes, as for cultivation, mining, cutting timber, hunting, fishing, etc. Such right of control and exclusion is incident to ownership and is a part of that which the owner owns with the land. But it does not follow from this that the Secretary of the Interior may exercise this right of control which resides in the Government and may be exercised by Congress. The powers of a head of a department are limited, and are to be exercised, generally, only for the accomplishment of some end or purpose prescribed by law or usage.

"And it is to be borne in mind that this title and ownership of the United States are not absolute for its own benefit, as in the case of a private individual, who holds his land and the title thereto solely for his own benefit and purpose. On the contrary, the National Government, while having the absolute title to the public lands, yet holds it with the lands to a great extent for the ultimate benefit of the people in ways prescribed by law.

"Partly at least for this reason it has never been the policy of the Government to exclude the people, its citizens, from the public domain. On the contrary, from the beginning it has been the policy to permit free access for any and all purposes not violative of law, and especially, except as otherwise provided in special cases, for the purpose of hunting, trapping, and fishing. Indeed, in early times and for many years large portions of the great West could not have been then settled as they were without this permission. With the exception of certain exclusions, restrictions, and regulations applicable to certain specified portions of the public lands and waters this policy has continued to the present time, and although, as I have said, Congress would have the power to adopt by law a policy of absolute exclusion, yet at this day this would be deemed arbitrary and harsh.

"But while Congress might exercise this incident of ownership, it is manifest that the Secretary of the Interior can not, without express authority of law, change this long-settled policy of the Government in favor of the people by rules and regulations forbidding that access to the public domain which this policy has so long permitted or for purposes within that permission or not violative of any law.

"And it is further manifest that, unless authorized by law, he can no more do this with reference to the forest reserves than with reference to any other of the public lands; for this incident of ownership is applicable alike to all the lands held by the Government, and if the Secretary could exercise it as to any, he could equally as to all.

"While the management and control of the public lands, except as otherwise provided by law, is committed to the Secretary of the Interior, this, even to the extent committed to him, is not absolute, but is a management and control subordinate to and for the purposes and objects intended as expressed by law or settled usage or practice. He is but the agent of the Government for carrying out its purposes, and the rules and regulations which he makes can be such only as have relation to and subserve those purposes. He can not permit that which the law or the settled policy of the Government forbids, nor can he forbid what is thus permitted. And in view of what I have said of the long-settled policy and practice of the Government, I am of opinion that the Secretary of the Interior can not, as the mere exercise of this incident of governmental ownership, exclude people from the forest reserves, whether there for hunting or other purposes, nor prohibit the hunting or killing of game on such reserves. I do not say that he can not do this at all, only that he can not do it in the exercise of that control which belongs to the governmental ownership of the lands, and that as long as to the extent that Congress sees proper to continue its former policy of permission the Secretary can not interfere. \* \* \*

"Under these circumstances, I am constrained to the opinion that, until further legislation, the Secretary of the Interior is not authorized to prescribe rules and regulations by which the national forest reserves may be made refuges for game, or by which the hunting, killing, or capture of game in such reserves be forbidden.

"It is with regret that I reach this conclusion, as I would be glad to find authority for the intervention by the Secretary for the preservation of what is left of the game from wanton or unnecessary destruction; but it would seem that whatever is done in that direction must be done by Congress, which alone has the power."

The leading case, which is cited in support of the general power of the President, is the case of *Willcox v. McConnell* (13 Peters, 496). I find it heading the list in all the citations, and it is a case to which the later authorities almost universally refer. It has been assumed in argument, it has even been assumed in one instance apparently by the Supreme Court—that is, I might say the language of the Supreme Court would lead one to that inference—that this is a case which sustains the authority of the President to act without congressional authority or specific authorization. But I call

attention to a paragraph from this case which shows that to exist which exists in all these cases when analyzed—a specific authorization from Congress. I read from the decision as follows:

"As far back as the year 1798, see act of May 3 of that year (1 U. S. Stat., 554), an appropriation was made for the purpose, amongst other things, of enabling the President of the United States to erect fortifications in such place or places as the public safety should, in his opinion, require. By the act of 21st of April, 1806 (2 *Ibid.*, 402), the President was authorized to establish trading houses at such posts and places, on the frontiers or in the Indian Territory, on either or both sides of the Mississippi River, as he should deem most convenient to carry on trade with the Indians. And by the act of June 14, 1809, he was authorized to erect such fortifications as might, in his opinion, be necessary for the protection of the northern and western frontiers. We thus see that the establishing trading houses with the Indian tribes and the erection of fortifications in the West are purposes authorized by law; and they were to be established and erected by the President."

What was the fact in reference to this matter? The President, under this general authorization, had established the military post of Fort Dearborn, near Chicago. Long afterwards a settler, at a time when the fort was not being used, undertook to acquire title to a part of Fort Dearborn under the preemption law. The contest was between the Government and the preemptor. It is quite true that there is language in this opinion which would lead one to suppose that the court was sustaining the general authority of the Executive to act in regard to this matter and to reserve lands regardless of the legislative action; but when we analyze the authority and look into the facts we find the court recurs back to the specific authorization of Congress to create military reservations and forts for the purpose of trading with the Indians, and the authority is based upon that fact. In the opinion the court says:

"The reservation was made in legal effect a reservation by order of the President within the terms of the act of Congress."

Again, it says in the course of its reasoning:

"When the act of 1830 was passed, Congress must have known of the authority which had by former laws been given to the President to establish trading houses and military posts."

By no possible construction can this authority be cited in support of the authority of the President to withdraw lands without legislation.

In the case of *Grisar v. McDowell* (6 Wall., 363) is another citation which is quoted in support of this contention, and this authority refers back to the decision in the *Wilcox* case, to which I have just referred. This is the one decision in which will be found language apparently sustaining the position adverse to the contention which I am here making, and I will read it:

"On the other hand, if the lands were at the time a part of the public domain, as they must be considered to be, because they have been excluded from the lands confirmed to the city in satisfaction of the claim, it is of no consequence to the plaintiff whether or not the President possessed sufficient authority to make the reservations in question. It is enough that the title had not passed to the plaintiff, but remained in the United States."

Here is the language so often referred to:

"But, further than this, from an early period in the history of the Government it has been the practice of the President to order from time to time, as the exigencies of the public service required, parcels of land belonging to the United States to be reserved from sale and set apart for public uses."

That is assumed to authorize action without legislative authority, and yet in this case we find that that which was created was a military reserve; that there was upon the statute books at that time an authorization to the President to create military reserves; and therefore we must construe the language in connection with the actual facts, as they existed. So construing it, we find that this authority is based upon legislative action, as was the case of *Wilcox*, in *Thirteenth Peters*.

Another one of the citations to which reference is often made is that of the *Russian Company v. The United States*, Thirty-ninth Court of Claims, page 460. The claimant in this case sought compensation for certain improvements placed upon an island in Alaska, occupied by it, as the court found, without right and as a trespasser. Claimant sought to purchase, but was denied the privilege, because the island had been reserved after the passage of the act of 1891, authorizing the establishment of forest reservations.

It is true, that in this case the court sustained the right of withdrawal of the President, and held that the parties were trespassers, but this proclamation was issued by one of the greatest lawyers who has ever been President of the United States, Mr.

Harrison. I will read the proclamation upon which he assumed the right to withdraw:

"And whereas the public lands in the Territory of Alaska known as Afognak Island are in part covered with timber, and are required for public purposes, in order that salmon fisheries in the waters of the island, and salmon and other fish and sea animals, and other animals and birds, and the timber, undergrowth, grass, moss, and other growth in, on, and about said island may be protected and preserved unimpaired, and it appears that the public good would be promoted by setting apart and reserving said lands as a public reservation. \* \* \*

"Now, therefore, I, Benjamin Harrison, President of the United States, by virtue of the power in me vested by sections 24 and 14 of the aforesaid act of Congress, and by other laws of the United States, do reserve and do hereby make known and proclaim that there is hereby reserved from occupation and sale, and set apart as a public reservation, including use for fish-culture stations, said Afognak Island, \* \* \*

The court said:

"When the claimant entered upon the lands and erected thereon buildings for the purpose of conducting its business it did so without the authority or license of the United States—none being given by the act of 1884—and was therefore a trespasser. \* \* \*

"The claimant was entitled to purchase not exceeding 160 acres of such land at \$2.50 per acre.

"But was the claimant, as against the United States, entitled to have the survey approved by the commissioner and a patent issued vesting in it the title to said lands after the President, in the exercise of his power, had issued his proclamation declaring the whole of the island upon which the land was situate reserved for public purposes? (*Grisser v. McDowell*, 6 Wall., 336; *United States v. Payne*, 8 Fed. Rep., 833-888; and *Wolcott v. Des Moines Company*, 5 Wall., 681.) \* \* \*

\* \* \*  
 "True, the right to purchase not exceeding 160 acres of land was given to the claimant by the act of 1891 on the condition, among others, that it was in the possession of and occupying such lands for the purpose of trade or manufactures, but such right can not be construed as depriving the Government of its superior right to withdraw such lands from sale and to set them apart for public purposes prior to the issuance of a patent therefor."

Mr. President, I am not going to refer to all the cases which have been cited in support of this contention. I will content myself by saying that, with the exception of the authority cited by the Senator from Washington [Mr. Jones], I have made close examination of them all, and I do not hesitate to say that no authority has been cited or, in my judgment, will be cited which sustains the authority of the President to act upon any other occasion or authority than expressly or impliedly given by an act of Congress.

I think that those who have examined the authorities have been misled by a contention which has been made many times upon the part of those who were contending against the power of the President to withdraw, to the effect that the act of Congress must of its own terms withdraw or reserve the land; that the President could not be authorized to withdraw it.

The court has taken the position that the President of course could act when authorized to act, but the contention was made that the power being given to Congress to deal with the public lands, Congress itself must make the specific reservation. Therefore language used in the decisions to the effect that the President undoubtedly has the power when authorized, has in some instances been used in such a way as to lead to the belief that the President had the authority, whether authorized or not.

Mr. President, the Senator from Georgia [Mr. Bacon] called for some language a while ago, which I will now, in the course of my argument, refer to, which I think warrants the suggestion I made:

"The public domain has been placed by Congress under the Interior Department, and ample authority is vested in the Chief Executive and the Secretary of the department to take such action as is necessary to care for the public domain. During many years the Executive has, in the exercise of this general authority, withdrawn at different times and for various purposes areas of the public domain and for the time being prevented those areas from being entered for private use.

"Full power under the Constitution was vested in the executive branch of the Government, and the extent to which that power may be exercised is governed wholly by the discretion of the Executive, unless any specific act has been made prohibitive either by the Constitution or by legislation."

Mr. BACON. I will ask the Senator to state who is the author of that.

Mr. BORAH. That is found in the report of the Secretary of the Interior for 1908. Inevitably that was the position which they must finally find themselves occupying.

This statement, in my judgment, was made without due reflection, and upon more mature reflection a different conclusion would be reached. It is at war with every principle upon which the federal structure is based—that of delegated and limited power. It finds no counterpart in any decision of any court, in any debate in Congress, or in any previous declaration of a department of the Government, so far as I have been able to find.

The fact is that the very opposite of what the Secretary states is true. The President, instead of possessing all power except that which is prohibited by the Constitution or authorized by legislation, possesses no power except that which is given by the Constitution or by legislation. If the Executive does not find within the terms of the Constitution, under the rule of express or implied authority or under some act of Congress the authority to act, he can not act. That is one of the plainest, simplest, and most seldom disputed of all constitutional principles. Any other principle would make this a Government of men and not of law. While we would have the outward semblance of a representative form of government, we would have, in fact, the will or discretion of an individual. As I said a few moments ago, if the President of the United States may suspend the public-land laws, if he has such authority as enables him to act at all times until he is prohibited, we would have to put into every act of Congress, with reference to the public revenue and everything else, a prohibition against the President suspending an act until we got ready to have it repealed. If he can suspend the law and prohibit a man from acquiring a title upon the public domain because the land laws, in his judgment, are being unfaithfully executed, there is no reason why, when the frauds of the sugar trust were exposed in New York, he should not have suspended the public-revenue law until he found out what the truth was in that instance.

With the risk of trespassing a little longer on the patience of the Senate, I want to call attention to some general citations upon this subject.

Mr. Pomeroy, in his work on constitutional law, volume 1, page 442, says:

"No one would contend that the President may refuse to execute the statute on the ground that, in his opinion, it is inexpedient or impolitic. This would be to give him the dispensing power which was so long claimed by the British Crown and so vigorously resisted by the English people. The legislative function is given to Congress, and if the statute be within the grants of the Constitution and be passed according to the forms required by that Constitution, the President, aside from his power to accord or withhold his consent, has no responsibility for or control over its mere policy or expediency. Every writer on the public law and every practical statesman will concede the correctness of this position."

Mr. Justice Brewer, in a noted case (*Cotting v. Kansas City Stock Yards*)—and this is a most wise statement, although it seems trite in the sense that it ought to be acceded to by everyone—said:

"It has been wisely and aptly said that this is a government of law and not of men; that there is no arbitrary power located in any individual or body of individuals, but that all in authority are guided and limited by those provisions which the people have through the organic law declared shall be the measure and scope of all control exercised over them."

Mr. Justice Wilson, in his lectures shortly after the adoption of the Constitution, said:

"He (the President) is to take care that the laws are faithfully executed; \* \* \* in the Saxon government the power of the first executive magistrate was also twofold. \* \* \* The person at the head of the executive department had authority, not to make or alter or dispense with the laws, but to execute and act the laws which were established; and against this power there was no rising up, so long as it gadded not like an unfeathered arrow at random. On the whole, he was no other than a *primum mobile* set in a regular motion by laws which were established by the whole body of the nation."

I quote from the case of *Kendall v. The United States* (12 Pet., 609). The court said:

"We shall not, therefore, enter into any particular examination of the line to be drawn between the powers of the executive and judicial departments of the Government. The theory of the Constitution undoubtedly is that the great powers of the Government are divided into separate departments; and so far as these powers are derived from the Constitution the departments may be regarded as independent of each other. But beyond that, all are subject to regulations by law touching the discharge of the duties required to be performed.

\* \* \* \* \*

"It was urged at the bar that the Postmaster-General was alone subject to the direction and control of the President with respect to the execution of the duty imposed upon him by law; and this right of the President is claimed as growing out of the obligation imposed upon him by the Constitution to take care that the laws be faithfully executed. This is a doctrine that can not receive the sanction of the court. It would be vesting in the President a dispensing power which has no countenance for its support in any part of the Constitution and is asserting a principle which if carried out in its results to all cases falling within it, would be clothing the President with a power entirely to control the legislation of Congress and paralyze the administration of justice.

"To contend that the obligation imposed on the President to see the laws faithfully executed implies a power to forbid their execution is a novel construction of the Constitution and entirely inadmissible. But, although the argument necessarily leads to such a result, we do not perceive from the case that any such power has been claimed by the President."

It is a late doctrine, a new revelation, that the power of the President to execute the laws implies the power on the part of the President to suspend the operation of the law. Whatever the policy may be, whether satisfactory to the Executive or not, the law must be executed in accordance with the terms in which it is written. Congress having provided that the settler upon the public domain may secure title to land upon complying with certain conditions, it is just as sacred a right to the settler as any right arising under any law which Congress may enact; and if the President may withdraw the agricultural lands from entry and deprive the thousands who are flocking to the public domain of an opportunity to acquire homes, there is not a law enacted that he may not suspend, interfere with the execution of justice, suspend the trial of causes, and review the policy of every law enacted by Congress.

In the federal cases, No. 8673, it is said:

"The power of the President is executive power—a power to execute the laws, but not to suspend them. The latter is a legislative function, and so far as it exists, belongs naturally and by force of the Constitution exclusively to Congress."

Mr. Webster, in the famous debate which took place in 1832, said:

"The President is as much bound by the laws as any private citizen, and can no more contest its validity than any private citizen. He may refuse to obey the law, and so may a private citizen; but both do it at their own peril and neither of them can settle the question of its validity. \* \* \* Hitherto this opinion and the correspondent practice have prevailed in America with all wise and considerate men. If it were otherwise, there would be no government of laws; but we should all live under the government, the rule, the caprices of individuals. If we depart from the observance of these salutary principles, the executive power becomes at once despotic; for the President, if the reasoning and the principles of the message be sound, may either execute, or not execute, the laws of the land, according to his sovereign pleasure. He may refuse to put into execution one law, pronounced valid by all the branches of the Government, and yet execute another, which may have been, by constitutional authority, pronounced void. On the argument of the message, the President of the United States holds, under a new pretense, a dispensing power over the laws, as absolute as was claimed by James the Second of England, a month before he was compelled to fly the kingdom. That which is now claimed for the President is, in truth, nothing less, and nothing else, than the old dispensing power asserted by the kings of England in the worst of times—the very climax, indeed, of all the preposterous pretensions of the Tudor and Stuart races.

"According to the doctrines put forth by the President, although Congress may have passed a law, and although the Supreme Court may have pronounced it constitutional, yet it is nevertheless no law at all, if he, in his good pleasure, sees fit to deny it effect; in other words, to repeal and annul it. Sir, no President and no public man, ever before advanced such doctrines in the face of the nation. There never was before a moment in which any President would have been tolerated in asserting such a claim to despotic power. \* \* \* If these opinions of the President be maintained, there is an end to all law and all judicial authority. Statutes are but recommendations, judgments no more than opinions. Both are equally destitute of binding force. Such an universal power, as is now claimed for him—a power of judgment over the laws and over the decisions of the tribunal—is nothing else than pure despotism."

Mr. Marshall in the case of *Marbury v. Madison* said:

"Is it to be contended that the heads of departments are not amenable to the laws of their country? Whatever the practice on particular occasions may be the theory of this principle will never be maintained. \* \* \*

"By the Constitution of the United States the President is invested with certain important political powers, in the exercise of which he is to use his own discretion, and is accountable only to his country in his political character and to his own conscience. \* \* \*

"But when the legislature proceeds to impose on that officer other duties; when he is directed peremptorily to perform certain acts; when the rights of individuals are dependent on the performance of those acts, he is so far the officer of the law, is amenable to the laws for his conduct, and can not at his discretion sport away the vested rights of others.

"The conclusion from this reasoning is that where the heads of departments are the political or confidential agents of the Executive, merely to execute the will of the President, \* \* \* nothing can be more perfectly clear than that their acts are only politically examinable. But where a specific duty is assigned by law and individual rights depend upon the performance of that duty, it seems equally clear that the individual who considers himself injured has a right to resort to the laws of his country for a remedy. (1 Cranch, 137.)"

Mr. President, the conservation of our natural resources is a righteous cause, and one in which the West believes as sincerely as does any other part of the country. We believe, however, that all that is necessary to be done may be done under well-established principles of constitutional government, and that it is not necessary, in order to conserve the natural resources of our country, to establish a new and unheard-of principle in the matter of legislation and of administration. Whatever the wisdom of Congress shall be as to the manner in which these resources shall be conserved, that should be accepted and followed out by all citizens, and undoubtedly will be, whether they live in one part of the country or the other. But to suspend our laws, to say to the settler "you may go here and there and acquire your right," and after the invitation has been given and effort made, arbitrarily deprive him of his right, is to establish a principle which will be far more costly in the end than the loss of some of our natural resources.

As was suggested to me the other day by the Senator from Vermont [Mr. Dillingham], we have had pass over our borders within the last year 100,000 American citizens to acquire homes across the line in Canada out of their public domain. Those people carried with them thousands and thousands of dollars, all of which we could very well afford to lose. But no nation, no people can afford to lose the brawn and the brain of their best citizenship or drive from their public domain, at a time when there are thousands and millions of acres unoccupied, those who desire to make homes, to build up communities, to pay taxes, and sustain Commonwealths. That condition, however, will continue; it must inevitably continue just so long as the American citizen finds upon this side of the line that uncertainty which results from this manner of executing the law, and upon the other side of the line that certainty which assures to him the fruits of his labor.

The West is in full harmony with that policy which shall prevent waste, that which shall prevent monopoly, that which shall prevent destruction; but the West is not in harmony and never will be in harmony with nor submit to the rule which, whilst acting under the guise to conserve, strangles communities and deprives us of our opportunity to build up our States.

The new States admitted into this Union come into it not simply as political equals with the old, but they are equals in every sense of the term, and that equality means the right to develop the natural resources and to avail ourselves of and utilize all the natural wealth within the limits and boundaries of the States. If a portion of the States may develop their natural resources and convert them into wealth and power, giving homes and prosperity to their citizens, while those in other States lie dormant and undeveloped, there is not that equality which the Constitution of the United States contemplates.

We are perfectly willing, ready, and even anxious to submit ourselves to the judgment and wisdom of Congress, hoping that when the action of Congress is had the American citizen may know where to go, how and under what rule or law to determine his rights, what he may do, and what he may depend upon after he has performed his duty with reference to acquiring a home. We want law, we want that unity of universal law which applies to all alike, certain and permanent in its terms, affording a safe rule of conduct for and a sure protection to all citizens—a right which belongs to every community in the land. We ask to be governed according to rules and principles which obtain in a government of law rather than the arbitrary caprice which obtains in a government of men.



## PART VI.

# WITHDRAWAL OF PUBLIC LANDS FOR PROTECTION OF WATER-POWER SITES.

1492

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
Washington, D. C., December 14, 1906.

HON. JAMES R. GARFIELD,  
*Department of Commerce and Labor, Washington, D. C.*

MY DEAR MR. GARFIELD: Inclosed herewith is a rough memorandum regarding water power. I am sending it to you at this time in the hope of talking it over a little more in detail in the near future.

Very truly, yours,

F. H. NEWELL, *Chief Engineer.*

### CONSERVATION OF WATER POWERS.

The Government has control of certain water powers through three distinct sources: First. Those developed under the terms of the river and harbor bill in connection with navigation. These water powers are exceedingly valuable and are gradually being leased under special legislation and by some form of contract with the War Department. There should be some definite policy in line with the handling of water powers by other branches of the Government.

Second. Those in the forest reserves. Here the water powers are of great value to the future development of the West. Unfortunately, many of the water powers of this part of the country have already been given away under existing legislation. An attempt is being made, systematically, to withdraw them from the market in order to enhance the value of fuel and to make a monopoly of the water power available for electrical transmission.

Third. The water powers developed, in whole or part, in connection with the Reclamation Service or held under the terms of the reclamation act. Leases are permitted for ten-year periods, but the legislation governing the matter is inadequate.

It is obvious that some general policy should be agreed upon in the near future in order to conserve for the use of the people the valuable water powers which are embraced under these three headings.

1493

DECEMBER 15, 1906.

DEAR MR. NEWELL: I have your letter of the 14th, with the memorandum regarding water power. I wish you would have prepared for me a statement of exactly what power has been developed under the river and harbor bills. I want to talk with you within the next few days about this whole subject.

Very truly, yours,

JAMES RUDOLPH GARFIELD.

MR. F. H. NEWELL,  
*Chief Engineer, United States Reclamation Service, Washington, D. C.*

**Extract from Address of Secretary Garfield at Conference of Supervising Engineers, Reclamation Service, at Mitchell, Nebr., in 1908.**

1887 The next is one of general importance—the question of power. I want still greater consideration given to the question of the development of power. In every one of the projects now on hand that has not received the attention of the engineer from the power side, I want that taken up as a new proposition, and also in



any new project or extension. If any of you know of power possibilities in any of the present projects or in the districts, I want those looked up right away and a report sent in, so that I can have as complete information as possible regarding the power possibilities of the country. It is not only for the development of irrigation, but for commercial development, or any use that the Government may see fit to make of this power. With the reservoir sites, every time you hear of a possible reservoir site send some one to look at it and get a full report on it, and if it is at all feasible we will have it withdrawn. I want to keep every one of the power sites and reservoir sites in the hands of the Government, to the end that if Congress takes the steps that I believe it will we will be able to handle these for the communities at large, rather than to allow them to be acquired by private interests. I want the recommendations in such shape that I will have all the information before me to decide whether the Government will retain the site or whether I will allow an individual to acquire it.

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[Extract from Declaration of Principles of Conference of Governors relating to water power.]

1160 We regard the monopoly of waters, and especially the monopoly of water power, as peculiarly threatening. No rights to the use of water powers in streams should hereafter be granted in perpetuity. Each grant should be conditioned upon prompt development, continued beneficial use, and the payment of proper compensation to the public for the rights enjoyed, and should be for a definite period only. Such period should be no longer than is required for reasonable safety of investment. The public authority should retain the right to readjust at stated periods the compensation to the public and to regulate the rates charged, to the end that undue profit or extortion may be prevented.

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#### Form of Original Withdrawal.

DEPARTMENT OF THE INTERIOR,  
RECLAMATION SERVICE,  
Washington, February 17, 1909.

The SECRETARY OF THE INTERIOR.

1721 SIR: In accordance with your request to be advised of any power sites which may be regarded as of importance with a view to the conservation of the water resources, it is respectfully recommended that under the supervisory power of the Secretary the following-described lands be reserved from all forms of entry in order that they be held available for the benefit of the public in connection with future development.

1158

DEPARTMENT OF THE INTERIOR, March 2, 1909.

DEAR SIR: I attach a list of lands containing sites more valuable for reservoir and power purposes under the various right-of-way laws than for disposal under any of the other public-land laws now applicable thereto. You are directed to instruct registers and receivers of the respective land districts in which these lands are situated that they are hereby withdrawn from disposal under any of the public-land laws except the various right-of-way acts.

This withdrawal is made under the general supervisory authority of the Executive in order to make certain that these lands shall not be acquired wrongfully under other laws than the right-of-way acts, thus defeating the purpose of Congress, and also to give Congress opportunity to so amend or modify the public-land laws that these particular lands may be devoted to their best use.

Very respectfully,

JAMES RUDOLPH GARFIELD,  
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

[Further correspondence March 12.]

MARCH 2, 1909.

3405 The honorable the SECRETARY OF THE INTERIOR.

SIR: Returning herewith letter of February 25 from Hon. F. W. Mondell regarding 320-acre homestead, I have taken this matter up informally with the Geological Survey, and as a result respectfully recommend that the matter be referred to the Geological Survey for action.

According to the organic law contained in the act of Congress of March 3, 1879, the Director of the Geological Survey is charged with "the classification of the public lands," etc. By resolution of March 20, 1888, the Director is instructed "to make an examination of that portion of the arid regions the United States \* \* \*" as to water storage, etc. By act approved October 2, 1888, an appropriation was made "for the purpose of investigating the extent to which the arid region of the United States can be redeemed by irrigation," etc. And in annual appropriation bills funds are provided for determining the water supply of the United States.

The Geological Survey is also making topographic maps and obtaining geologic and other data bearing upon springs, wells, and various sources of water.

During my connection with that survey, from 1888 to 1906, as chief hydrographer and chief engineer, I tried to build up an organization and train men especially fitted for such investigations. I believe that the organization now existing is best equipped for work of this character, and in this belief I am supported by the present hydrographer of the survey.

On the other hand, I do not think that the Reclamation Service should be involved directly in this classification of lands, but should confine its attention to the construction and operation of works of reclamation.

Very respectfully,

F. H. NEWELL, *Director.*

1940 [File No. 8—Reclamation Service—Chelan project, Washington—Restorations.]

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
*Washington, D. C., March 6, 1909.*

The honorable the SECRETARY OF THE INTERIOR  
(Through the Commissioner of the General Land Office).

SIR: From recent investigations in connection with the Chelan project, Washington, the withdrawal of the following-described lands, withdrawn under the first form by departmental order of August 13, 1908, no longer appears necessary to the interests of the project.

It is therefore respectfully recommended that so much of said departmental order as relates to the areas hereafter listed be vacated, and that such tracts not otherwise withdrawn, reserved, or appropriated be restored to the public domain and become subject to settlement and entry on such dates and after such notice by publication as the Secretary of the Interior may prescribe.

CHELAN PROJECT, WASHINGTON, WILLAMETTE PRINCIPAL MERIDIAN.

T. 27 N., R. 22 E., all secs. 1 to 12, SW.  $\frac{1}{4}$  sec. 13, all secs. 14 to 36, inclusive.

T. 27 N., R. 23 E., all secs. 1 to 16, inclusive, N.  $\frac{1}{4}$  sec. 17, NE.  $\frac{1}{4}$  sec. 18, SW.  $\frac{1}{4}$  sec. 19, lot 5, sec. 20, all secs. 21 to 28, inclusive, lots 1, 4, 5, and 8, SE.  $\frac{1}{4}$  NE.  $\frac{1}{4}$ , E.  $\frac{1}{2}$ , SE.  $\frac{1}{4}$  sec. 29, W.  $\frac{1}{4}$  sec. 30, all secs. 31 to 36, inclusive.

Very respectfully,

(Signed) F. H. NEWELL, *Director.*

Approved March 6, 1909, and referred to the General Land Office for action as recommended.

(Signed) R. A. BALLINGER, *Secretary.*

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DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
OFFICE OF THE DIRECTOR,  
Washington, D. C., March 19, 1909.

The honorable the SECRETARY OF THE INTERIOR  
(Through the Commissioner of the General Land Office).

SIR: From recent investigations in connection with the Colorado River storage, Utah, the withdrawal of the following-described lands, withdrawn under the first form by departmental order of February 17, 1909, no longer appears necessary to the interests of the project.

It is therefore respectfully recommended that so much of said departmental order as relates to the areas hereafter listed be vacated and that such tracts not otherwise withdrawn, reserved, or appropriated be restored to the public domain and become subject to settlement and entry on such dates and after such notice by publication as the Secretary of the Interior may prescribe.

COLORADO RIVER STORAGE, UTAH, SALT LAKE PRINCIPAL MERIDIAN, GREEN RIVER.

T. 20 S., R. 16 E., all lands within 1 mile on either side of Green River.

T. 21 S., R. 16 E., all lands within 1 mile on either side of Green River.

T. 22 S., R. 16 E., all lands within 1 mile on either side of Green River.

Very respectfully,

F. H. NEWELL, *Director*.

Approved March 20, 1909, and referred to the General Land Office for action as recommended.

R. A. BALLINGER, *Secretary*.

1704

[Copy.]

[Inquiry concerning withdrawal of lands in Salmon River country, Idaho.]

UNITED STATES SENATE,  
Washington, D. C., March 19, 1909.

HON. RICHARD BALLINGER,  
*Secretary of Interior, Washington, D. C.*

DEAR MR. SECRETARY: Strong complaint comes from Idaho to me, of the withdrawal on February 17, 1909, from all forms of entry, about 175,000 acres of the public lands in Idaho, surveyed and unsurveyed.

This land is situated in that portion of the Salmon River country not now included in the forest reserves. The larger portion of the lands withdrawn is in the Lewiston land district, in Idaho. The paper states that these lands were withdrawn in the exercise of the supervisory authority of the Secretary, and with a view of conservation of water resources, etc. I know of no law under which such withdrawals are authorized. I would like very much to have a reference to the express authority under which the withdrawals are made.

Sincerely, yours,  
EWE/H.

(Signed) W. B. HEYBURN.

1703

[Copy.]

[APD-IMP]

DEPARTMENT OF THE INTERIOR,  
March 20, 1909.

HON. W. B. HEYBURN,  
*United States Senate*.

SIR: I am in receipt of your favor of March 19, making inquiry concerning the withdrawal of certain public lands in Idaho, in a portion of the Salmon River country. This withdrawal was made by my predecessor for the purpose of conserving the water resources under the supervisory authority of the Secretary of the Interior.

At my request, the Attorney-General has had this matter under consideration for several days, and I expect an early opinion from him regarding the legal status of such withdrawals, and will, of course, as soon as possible, endeavor to adjust the policy of the department in exact accordance with the law.

I expect to take action upon this and some other cases in a very short time.

Respectfully,

\_\_\_\_\_, *Secretary*.

1705

[Copy.]

DEPARTMENT OF THE INTERIOR,  
Washington, March 20, 1909.

[Address only the Secretary of the Interior.]

MY DEAR SENATOR: I am in receipt of your letter of March 19, respecting the withdrawal of certain public lands in Idaho, in the Salmon River country, and note what you say respecting the action of my predecessor regarding the same.

I hope to be able in a short time to dispose of this question, in conjunction with the Attorney-General, and will thereupon advise you respecting the result thereof.

Very truly, yours,

R. A. BALLINGER, *Secretary*.

Hon. W. B. HEYBURN,  
*United States Senate.*

1941

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
OFFICE OF THE DIRECTOR,  
Washington, D. C., March 27, 1909.

The honorable the SECRETARY OF THE INTERIOR.  
(Through the Commissioner of the General Land Office.)

SIR: From recent investigations in connection with the Yellowstone project, Montana, the withdrawal of the following-described lands, withdrawn under the first form by departmental order of December 29, 1908, no longer appears necessary to the interests of the project.

It is therefore respectfully recommended that so much of said departmental order as relates to the areas hereafter listed be vacated and that such tracts not otherwise withdrawn, reserved, or appropriated be restored to the public domain.

YELLOWSTONE PROJECT, MONTANA, MONTANA PRINCIPAL MERIDIAN.

T. 1 N., R. 14 E., all sections 8 to 20, inclusive, and section 30.

T. 1 N., R. 15 E., all sections 7, 8, 15 to 18, 21 to 27, and 34 to 36, inclusive.

T. 1 N., R. 16 E., all sections 29 to 32, inclusive.

Inasmuch as these lands are included in segregation list No. 9 by the State of Montana, it is further recommended that the usual notice by publication limiting the time for settlement and entry be waived.

Very respectfully,

F. H. NEWELL, *Director*.

Approved March 27, 1909, and referred to the General Land Office for action as recommended.

R. A. BALLINGER, *Secretary*.

1892

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
OFFICE OF THE DIRECTOR,  
Washington, D. C., March 30, 1909.

The honorable the SECRETARY OF THE INTERIOR.  
(Through the Commissioner of the General Land Office.)

SIR: From recent investigations in connection with power sites the withdrawal of the following-described lands, withdrawn under the supervisory power of the Secretary February 17, 1909, no longer appears necessary to the interests of the United States.

It is therefore respectfully recommended that so much of said departmental order as relates to the areas hereafter listed be vacated and that such tracts not otherwise withdrawn, reserved, or appropriated be restored to the public domain.

As this withdrawal has been of such short duration and has probably not come to general public notice, it is further recommended that the usual notice by publication limiting the time for settlement and entry be waived.

## SALMON RIVER, IDAHO.

## BOISE MERIDIAN.

- T. 24 N., R. 1 E., all secs. 1 to 3, 10 to 15, and 22 to 24, incl.  
 T. 25 N., R. 1 E., all secs. 1 to 5, 8 to 17, 20 to 29, and 32 to 36, incl.  
 T. 26 N., R. 1 E., all secs. 1 to 3, 10 to 15, 22 to 23, and 33 to 36, incl.  
 T. 27 N., R. 1 E., all secs. 2, 3, 10, 11, 13 to 15, 22 to 27, and 34 to 36, incl.  
 T. 28 N., R. 1 E., all secs. 2 to 4, 9 to 11, 14 to 16, 21 to 23, 26 to 28, and 33 to 35, incl.  
 T. 29 N., R. 1 E., all secs. 2 to 11, incl., 14, 15, 22, 23, 26, 27, 34, and 35.  
 T. 30 N., R. 1 E., all secs. 28 to 33, incl.  
 T. 23 N., R. 2 E., all secs. 1 to 4, incl. (unsurveyed).  
 T. 24 N., R. 2 E., all of township lying south of Salmon River (unsurveyed).  
 T. 24 N., R. 3 E., all of township lying south of Salmon River (unsurveyed).  
 T. 23 N., R. 3 E., all secs. 1 to 12, incl., lying south of Salmon River (unsurveyed).  
 T. 24 N., R. 4 E., all of township lying south of Salmon River (unsurveyed).  
 T. 24 N., R. 5 E., all secs. 1 to 12, incl., and sec. 18 lying south of Salmon River (unsurveyed).  
 T. 24 N., R. 6 E., all secs. 1 to 9, incl., lying south of Salmon River (unsurveyed).  
 T. 25 N., R. 6 E., all of township lying south of Salmon River (unsurveyed).  
 T. 16 N., R. 20 E., all secs. 1, 2, 11, 12, 13 to 16, 21 to 28, and 33 to 36, inclusive (unsurveyed).  
 T. 17 N., R. 20 E., all secs. 1 to 3, 10 to 15, 22 to 26, and 35 to 36, incl. (unsurveyed).  
 T. 18 N., R. 20 E., all secs. 36 (unsurveyed).  
 T. 16 N., R. 21 E., all secs. 4 to 9, 16 to 21, and 28 to 33, incl. (unsurveyed).  
 T. 17 N., R. 21 E., all secs. 3 to 9, 16 to 21, and 28 to 33, incl. (unsurveyed).  
 T. 18 N., R. 21 E., all secs. 2 to 11, 15 to 22, and 27 to 34, incl. (unsurveyed).  
 T. 19 N., R. 21 E., all secs. 1 to 4, 9 to 16, 20 to 29, and 32 to 35, incl. (unsurveyed).  
 T. 20 N., R. 21 E., all secs. 1 to 3, 10 to 15, 22 to 27, and 34 to 36, incl. (unsurveyed).  
 T. 23 N., R. 21 E., all secs. 1, 2, 3, and 12 lying north of Salmon River (unsurveyed).  
 T. 20 N., R. 22 E., all secs. 5, 6, 7, 8, 17, and 18.  
 T. 21 N., R. 22 E., all secs. 4 to 9, 16 to 21, and 28 to 33, incl.  
 T. 22 N., R. 22 E., all secs. 4 to 9, 16 to 21, and 28 to 33, incl.  
 T. 23 N., R. 22 E., all secs. 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32.  
 T. 30 N., R. 1 W., all secs. 2 to 11, incl., 14 to 16, 22 to 27, and 34 to 36, incl. (partly unsurveyed).  
 T. 30 N., R. 2 W., all secs. 1, 2, 3, 10, 11, and 12 (unsurveyed).  
 T. 31 N., R. 2 W., all secs. 7, 8, 9, 16 to 21, and 26 to 35, incl. (partly unsurveyed).  
 T. 29 N., R. 3 W., all secs. 4 to 9 and 16 to 18, incl. (unsurveyed).  
 T. 30 N., R. 3 W., all secs. 4 to 9, 16 to 21, and 28 to 33, incl. (unsurveyed).  
 T. 31 N., R. 3 W., all secs. 10 to 15 and 19 to 36, incl. (unsurveyed).  
 T. 29 N., R. 4 W., all fractional township (unsurveyed) east of Snake River.  
 T. 30 N., R. 4 W., all secs. 11 to 14, 23 to 26, incl., and 35 to 36 (unsurveyed).

Very respectfully,

A. P. DAVIS, *Acting Director*.

Approved March 30, 1909, and referred to the General Land Office for action as recommended.

R. A. BALLINGER, *Secretary*.

1713

SOCIETY FOR SAVINGS,  
Cleveland, March 31, 1909.

Hon. R. A. BALLINGER,  
*Secretary of the Interior, Washington, D. C.*

MY DEAR MR. SECRETARY: I receive, from time to time, letters from friends of mine relating to matters under the direction of your department. Although I do not want to burden the department with these things, I feel that I can not do less than to refer these communications to you. The inclosed letter is self-explanatory. I sympathize with the western people in regard to many of these matters.

Very truly, yours,

MYRON T. HERRICK.

The letter inclosed with the above letter is as follows:

MADISON STATE BANK,  
Madison City, Mont., March 25, 1909.

HON. MYRON B. HERRICK,  
Cleveland, Ohio.

DEAR SIR: You may recall that I met you at the national convention in Chicago, and that so far as my vote went was instrumental in naming our President, Taft. I know that you were one of the chief factors in assuring his nomination, and that you are close to the administration, which prompts this letter. A recent governmental order withdraws from entry all the lands along the Jefferson, Madison, and Ruby rivers. These lands are largely in this, Madison County, and the withdrawal of same from entry is a matter of vital interest to our people, as it checks the settlement of the county and keeps out many who would otherwise become bona fide settlers and desirable citizens. We suppose the withdrawal is made with the view of conserving the resources of the country, but we believe the best conservation is in inducing actual settlement, in the making of desirable homes, and the cultivation of lands which are now unproductive. If it is thought by our eastern friends that the irrigation of arid lands destroys the flow of the rivers; this is a mistake. Experience has proven that the waters used in irrigation, taken early in the season, while the streams are high, and spread over the cultivated lands, later are returned, through the increased flow of springs and tributaries, to the main stream, and this at a season when the streams are naturally low, so that the result, taken as a whole, is to equalize the flow during the year, returning to the rivers during low-water season the waters which were taken during flood time. Our people have protested to our Senators and Congressman against this withdrawal. If you can spare the time to look into this matter and will interest yourself enough to present our views to the administration, you will be doing us most valuable service.

May I venture to ask you to do so?

With regards, I am,  
Yours, very truly,

A. J. BENNETT.

1167

DEPARTMENT OF THE INTERIOR,  
Washington, April 1, 1909.

SIR: It appears from orders heretofore issued, dated, respectively, January 7, 18, and February 27, 1909, that approximately 677,000 acres of public lands were withdrawn from all forms of entry, with a view to the conservation of water resources, in the States of Montana, Utah, and Oregon.

1168 You will please report to me the reasons, if any there are, whether statutory or otherwise, why these lands should not be restored to entry under the public-land laws.

Very respectfully,

R. A. BALLINGER,  
Secretary.

Hon. F. H. NEWELL,  
Director U. S. Reclamation Service.

1950

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
OFFICE OF THE DIRECTOR,  
Washington, D. C., April 3, 1909.

The honorable the SECRETARY OF THE INTERIOR.

SIR: Referring to your instructions of April 1 to report the reasons, if there are any, whether statutory or otherwise, why certain lands in the States of Montana, Utah, and Oregon should not be restored to entry under the public-land laws, it is desired to state that the lists of these lands were submitted in accordance with instructions from Secretary Garfield personally and presumably after a conference with President Roosevelt, and in accordance with the policy pursued by the past administration. It is of course inferred that it is not the desire to have this policy discussed at the present time, even if it were practicable to do so.

The total area actually withdrawn is far less than the area named, 677,000 acres, which is assumed to be the total area of the townships or sections named in the various lists. It is a matter of general knowledge that a part of each of these townships has already passed out of the control of the Government and that the withdrawal applies

only to such sections or portions of sections as have not up to the present time been entered upon under the general laws. These parcels of land have had presumably little, if any, value or use; hence their withdrawal from entry pending further examination results in little, if any, injury or detriment to the public.

The lands withdrawn have been under the operation of one or the other of two lines of authority; the first, the supervisory authority of the Secretary, and, second, the terms of the reclamation act. This has been in order to permit opportunity for examination, it being well known that whenever the government engineers begin the survey into any matter of this kind there is general interest aroused, accompanied by flings, more or less speculative in character, on all of the commanding points. To forestall this condition it has been found necessary to make general withdrawals as an essential preliminary to surveys even of the most general character.

Under section 3 of the act of June 17, 1902 (32 Stat. L., 388), the Secretary of the Interior is required to withdraw from public entry the lands required for any irrigation works and to restore to public entry any of the lands so withdrawn when in his judgment such lands are not required for the purposes of the act. There is no limit in time stated in the act, and from an intimate knowledge of the framing of the act and of the discussion during its passage, it may be said that it was the object of Congress to look far into the future, to protect the public interests in the development and use of the remaining public lands, and not permit the interests of the nation to be jeopardized by permitting individuals to file upon lands through whose possession future use of other large tracts of land would be prevented. There is perhaps no one general duty imposed upon the Secretary requiring a larger foresight than is imposed in this act, especially in view of the rapid development which is taking place and of the impossibility of foreshadowing exactly what will or will not be done.

The methods of procedure which have been discussed are to the effect that 1951 the withdrawals of the areas under consideration be followed by a rapid reconnaissance for the purpose of restoring to public entry the lands found not needed. For this purpose photographs of the township plats are being made and furnished to the men in the field for the purpose of enabling them to go over the ground rapidly and systematically, eliminating the greater part of the area. Much of the land has not been surveyed, and in some townships the location of the rivers has not always been given with sufficient accuracy to enable correct descriptions to be readily prepared. It is fair to assume that during the coming summer nine-tenths of the area can be recommended for restoration, leaving the commanding points in the hands of the Government for further consideration. These points can not be selected immediately because of the fact that many conditions must be taken into consideration. It is possible to arrive at a determination of them, not by a direct process of selection, but rather, as indicated above, by eliminating other tracts.

The statutory reasons why these lands should not be restored to entry immediately or before field examination are involved in the portion of reclamation act above quoted. The other reasons which may be cited are those broad questions of public policy, considered presumably by President Roosevelt and his Cabinet. It may be proper to point out that as a consequence of the adoption of this policy these lands are now withdrawn, and that there appears to be no demand for their immediate restoration on the ground of public welfare.

Public attention has been very prominently drawn to these lands by the fact of their withdrawal, and it is reasonable to assume that there has been a general approval of the policy and course taken in the matter. It is unnecessary to call attention to the fact that an immediate reversal of a policy which has been carefully considered and broadly commented upon would be viewed with solicitude by many well-informed citizens, and would be followed presumably by immediate filing upon all valuable power sites by men who are employed to seek for the commanding points and to secure these, if possible.

Very respectfully,

\_\_\_\_\_, *Director.*

1956

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
OFFICE OF THE DIRECTOR,  
Washington, D. C., April 5, 1909.

The honorable the SECRETARY OF THE INTERIOR  
(Through the Commissioner of the General Land Office).

SIR: From recent investigations in connection with the Yellowstone project, Wyoming, the withdrawal of the following-described lands, withdrawn under the form by departmental order of December 31, 1908, no longer appears necessary to the interests of the project.

It is therefore respectfully recommended that so much of said departmental order as relates to the areas hereafter listed be vacated and that such tracts not otherwise withdrawn, reserved, or appropriated, be restored to the public domain.

YELLOWSTONE PROJECT, WYOMING, WIND RIVER MERIDIAN (BIG HORN RIVER).

- T. 2 N., R. 6 E., all fractional township.
- T. 3 N., R. 6 E., all fractional township.
- T. 4 N., R. 6 E., all fractional township.
- T. 5 N., R. 6 E., all fractional township.
- T. 6 N., R. 6 E., all fractional township.
- T. 7 N., R. 6 E., all fractional township.
- T. 1 N., R. 5 E., all secs. 4, 5, 6, 7, 8, 9, 17, 18, 19, 30, and 31.
- T. 2 N., R. 5 E., all secs. 19 to 36, inclusive.
- T. 1 N., R. 4 E., all secs. 24, 25, and 31 to 36, inclusive.
- T. 1 S., R. 4 E., all lots 1, 2, 3, 4, 5, 6, and 7, S.  $\frac{1}{4}$  NE.  $\frac{1}{4}$ , SE.  $\frac{1}{4}$ , and E.  $\frac{1}{4}$  SW.  $\frac{1}{4}$  sec. 1; lots 1, 2, 3, and 4, sec. 2; and lots 1, 2, 3, and 4, sec. 3.

SIXTH PRINCIPAL MERIDIAN.

- T. 47 N., R. 92 W., all secs. 5, 6, 7, and 8.
  - T. 48 N., R. 92 W., all secs. 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32.
  - T. 49 N., R. 92 W., all secs. 4, 5, 6, 7, 8, 9, 16, 17, 18, 20, 21, 28, 29, 32, and 33.
  - T. 50 N., R. 92 W., all secs. 19, 20, 29, 30, 31, and 32.
  - T. 45 N., R. 93 W., all secs. 5 and 6.
  - T. 46 N., R. 93 W., all secs. 2, 3, 9, 10, 11, 14, 15, 16, 17, 19 to 22, and 27 to 32, inclusive.
  - T. 47 N., R. 93 W., all secs. 1, 12, 13, 14, 15, 22 to 27, and 34 to 36, inclusive.
  - T. 50 N., R. 93 W., all secs. 1, 2, 3, 10 to 15, 23 to 26, inclusive, 35 and 36.
  - T. 51 N., R. 93 W., all secs. 3, 4, 5, 8, 9, 10, 15, 16, 17, 20, 21, 22, 23, 26, 27, 28, 33, 34, and 35.
  - T. 52 N., R. 93 W., all secs. 5 to 8, 17 to 22, and 27 to 34, inclusive.
  - T. 53 N., R. 93 W., all secs. 7, 16, 17, 18, 19, 20, 21, 28, 29, 30, 32, and 33.
  - T. 42 N., R. 94 W., all secs. 18, 19; N.  $\frac{1}{4}$  NE.  $\frac{1}{4}$ , NE.  $\frac{1}{4}$  NE.  $\frac{1}{4}$ , and lots 1 to 5, inclusive, sec. 30.
  - T. 43 N., R. 94 W., all secs. 4 to 9, 16 to 21, and 29 to 32, inclusive.
  - T. 44 N., R. 94 W., all secs. 4 to 9, 16 to 21, 28 to 33, inclusive.
  - T. 45 N., R. 94 W., all secs. 1, 2, 3, 10, 11, 12, 15 to 22, and 28 to 31, inclusive.
  - T. 53 N., R. 94 W., all secs. 1, 2, 3, 10, 11, 12, 13, and 14.
  - T. 54 N., R. 94 W., all secs. 2, 3, 10, 11, 14, 15, 22 to 27, and 34 to 36, inclusive.
  - T. 55 N., R. 94 W., all secs. 3, 4, 5, 8, 9, 10, 15, 16, 17, 20, 21, 22, 26, 27, 28, 33, 34, and 35.
  - T. 56 N., R. 94 W., all secs. 4, 5, 8, 9, 16, 17, 20, 21, 22, 27, 28, 29, 32, 33, and 34.
  - T. 57 N., R. 94 W., all secs. 5 to 9, inclusive, 15, 16, 17, 20, 21, 22, 27, 28, 33, and 34.
  - T. 58 N., R. 94 W., all secs. 18, 19, 30, and 31.
  - T. 42 N., R. 95 W., all secs. 1, 2, 11, 12, 13, 14, 23, 24, lots 1 to 7, inclusive, N.  $\frac{1}{4}$  NE.  $\frac{1}{4}$ , and NE.  $\frac{1}{4}$  NW.  $\frac{1}{4}$  sec. 25, and lots 1 to 5, inclusive, NW.  $\frac{1}{4}$  NW.  $\frac{1}{4}$ , and N.  $\frac{1}{4}$  NW.  $\frac{1}{4}$  sec. 26.
  - T. 43 N., R. 95 W., all secs. 24, 25, and 36.
  - T. 45 N., R. 95 W., all sec. 36.
- As this withdrawal has been of such short duration, and has probably not come to general public notice, it is further recommended that the usual notice by publication, limiting the time for settlement and entry, be waived.

Very respectfully,

\_\_\_\_\_  
Acting Director.

Approved April 6, 1909, and referred to the General Land Office for action as recommended.

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R. A. BALLINGER, Secretary.

1952

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
OFFICE OF THE DIRECTOR,  
Washington, D. C., April 5, 1909.

The honorable the SECRETARY OF THE INTERIOR,  
(Through the Commissioner of the General Land Office).

Sir: From recent investigations in connection with the North Platte project, Nebraska-Wyoming, the withdrawal of the following-described lands, withdrawn



under the first form by departmental order of December 4, 1908, no longer appears necessary to the interests of the project.

It is therefore respectfully recommended that so much of said departmental order as relates to the areas hereafter listed be vacated and that such tracts not otherwise withdrawn, reserved, or appropriated be restored to the public domain and become subject to settlement and entry on such dates and after such notice by publication as the Secretary of the Interior may prescribe.

**NORTH PLATTE PROJECT, NEBRASKA-WYOMING, SIXTH PRINCIPAL MERIDIAN, WYOMING**

- T. 14 N., R. 82 W., all secs. 1 and 12.  
 T. 15 N., R. 82 W., all secs. 7, 13 to 27, inclusive, 35, and 38.  
 T. 15 N., R. 83 W., all secs. 1, 2, 3, 10 to 14, inclusive.  
 T. 16 N., R. 83 W., all secs. 3, 4, 9, 10, 15, 16, 21, 22, 27, 28, 33, 34, and 35.  
 T. 17 N., R. 83 W., all secs. 18 to 21, inclusive, 28 to 33, inclusive.  
 T. 17 N., R. 84 W., all secs. 1, 2, 11, 12, 13, 14, 23, and 24.  
 1953 T. 18 N., R. 84 W., all secs. 6, 7, 8, 17, to 21, inclusive, 26 to 30, inclusive, 34, and 35.  
 T. 19 N., R. 84 W., all sec. 6.  
 T. 20 N., R. 84 W., all secs. 17 to 20, 29 to 32, inclusive.  
 T. 22 N., R. 84 W., all secs. 4, 5, and 6.  
 T. 23 N., R. 84 W., all secs. 2, 3, 10, 11, 14, 15, 22, 23, 26 to 35, inclusive.  
 T. 24 N., R. 84 W., all secs. 1 to 4, 9 to 16, 21 to 28, 33 to 36, inclusive.  
 T. 25 N., R. 84 W., all secs. 3, 4, 9, 10, 15, 16, 21 to 28, 33 to 36, inclusive.  
 T. 26 N., R. 84 W., all secs. 21, 22, 27, 28, 33, and 34.  
 T. 18 N., R. 85 W., all secs. 1 to 4, 9 to 12, inclusive.  
 T. 19 N., R. 85 W., all secs. 1, 2, 3, 10 to 15, 19 to 23, 26 to 35, inclusive.  
 T. 20 N., R. 85 W., all secs. 2, 3, 10, 11, 12, 13, 24, 25, 35, and 36.  
 T. 21 N., R. 85 W., all secs. 4, 5, 6, 8, 9, 10, 13, 14, 15, 16, 23, 24, 25, 26, 35, and 36.  
 T. 22 N., R. 85 W., all secs. 1, 2, 3, 7 to 12, 16, 17, 18, 30, and 31.  
 T. 21 N., R. 86 W., all sec. 1.  
 T. 22 N., R. 86 W., all secs. 11, 12, 13, 14, 23, 24, 25, and 36.

As this withdrawal has been of such short duration and has probably not come to general public notice, it is further recommended that the usual notice by publication limiting the time for settlement and entry be waived.

Very respectfully,

A. P. DAVIS, *Acting Director.*

Approved April 6, 1909, and referred to the General Land Office for action as recommended.

\_\_\_\_\_  
*Secretary.*

1957

DEPARTMENT OF THE INTERIOR,  
 UNITED STATES RECLAMATION SERVICE,  
 OFFICE OF THE DIRECTOR,  
 Washington, D. C., April 5, 1909.

The honorable the SECRETARY OF THE INTERIOR,  
 (Through the Commissioner of the General Land Office).

SIR: From recent investigations in connection with the Colorado River storage project, Wyoming, the withdrawal of the following-described lands, withdrawn under the first form by departmental order of January 2, 1909, no longer appears necessary to the interests of the project.

It is therefore respectfully recommended that so much of said departmental order as relates to the areas hereafter listed be vacated and that such tracts not otherwise withdrawn, reserved, or appropriated be restored to the public domain.

**COLORADO RIVER STORAGE, WYOMING, SIXTH PRINCIPAL MERIDIAN.**

- T. 16 N., R. 106 W., all secs. 5, 6, 7, 8, 17, 18, 19, and 20.  
 T. 17 N., R. 106 W., all secs. 4 to 9, 16 to 20, and 29 to 32, inclusive.  
 T. 18 N., R. 106 W., all sec. 31.  
 T. 16 N., R. 107 W., all secs. 1, 2, 3, 10 to 14, 23 to 35, inclusive.  
 T. 17 N., R. 107 W., all secs. 1, 12, 13, 24, 25, 26, 35, and 36.  
 T. 18 N., R. 107 W., all secs. 4 to 10, inclusive, 15, 16, 21 to 27, inclusive, and 35 and 36.

- T. 19 N., R. 107 W., all secs. 30 and 31.  
 T. 12 N., R. 108 W., all secs. 2, 3, 10, 11, 14, 15, 16, lots 1, 2, 3, 4, and N.  $\frac{1}{2}$  sec. 20, lots 1, 2, 3, and 4, and N.  $\frac{1}{2}$  sec. 21, lots 1, 2, 3, and 4, and N.  $\frac{1}{2}$  sec. 22.  
 T. 13 N., R. 108 W., all secs. 1, 2, 11 to 14, 23 to 26, inclusive, and 34, 35, and 36.  
 T. 14 N., R. 108 W., all secs. 1 to 5, 8 to 14, 23 to 26, inclusive, and 35 and 36.  
 T. 15 N., R. 108 W., all secs. 1, 12, 13, 22, 23, 24, 26, 27, 28, 33, 34.  
 T. 16 N., R. 108 W., all sec. 36.  
 T. 18 N., R. 108 W., all sec. 1.  
 T. 19 N., R. 108 W., all secs. 3 to 10, 14 to 18, 21 to 27, inclusive, and 35 and 36.  
 T. 20 N., R. 108 W., all secs. 30 and 31.  
 T. 19 N., R. 109 W., all secs. 1 and 12.  
 T. 20 N., R. 109 W., all secs. 3, 4, 5, 8, 9, 10, 13, 14, 15, 16, 17, 21 to 26, inclusive, and 36.  
 T. 21 N., R. 109 W., all secs. 4, 5, 6, 7, 8, 9, 14, 15, 16, 17, 18, 20 to 27, inclusive, and 34 to 36, inclusive.  
 T. 22 N., R. 109 W., all secs. 6 to 9, 16 to 21 and 28 to 33, inclusive.  
 T. 30 N., R. 109 W., all secs. 4 to 9, inclusive.  
 T. 22 N., R. 110 W., all secs. 1, 2, 3, and 10 to 13, inclusive.  
 T. 23 N., R. 110 W., all secs. 27 to 35, inclusive.  
 T. 29 N., R. 110 W., all sec. 6.  
 T. 30 N., R. 110 W., all secs. 1 to 4, 9 to 23, and 26 to 33, inclusive.  
 T. 31 N., R. 110 W., all secs. 4, 5, 8, 9, 15, 16, 17, 20, 21, 22, 27, 28, 33, and 34.  
 T. 32 N., R. 110 W., all secs. 4, 5, 8, 9, 16, 17, 20, 21, 28, 29, 32, and 33.  
 T. 33 N., R. 110 W., all secs. 3, 4, 5, 6, 9, 10, 11, 14, 15, 16, 21, 22, 23, 26, 27, 28, 33, 34, and 35.  
 T. 34 N., R. 110 W., all secs. 28 to 34, inclusive.  
 T. 37 N., R. 110 W., all secs. 1, 2, 11, 12, 13, 14, 15, 21 to 29, and 32 to 34, inclusive.  
 T. 23 N., R. 111 W., all secs. 5, 6, 7 to 11, 13 to 18, and 21 to 26, inclusive, and 35 and 36.  
 T. 24 N., R. 111 W., all secs. 19, 20, 29, 30, 31, and 32.  
 T. 28 N., R. 111 W., all secs. 6, 7, and 18.  
 T. 29 N., R. 111 W., all secs. 1 to 5, 8 to 12, 15, 16, 17, 20, 21, 22, 27, 28, 29, 32, 33, and 34.  
 T. 30 N., R. 111 W., all sec. 36.  
 T. 33 N., R. 111 W., all secs. 1, 2, 3.  
 T. 34 N., R. 111 W., all secs. 5 to 8, 17 to 22, 25 to 29, and 33 to 36, inclusive.  
 T. 35 N., R. 111 W., all secs. 3, 4, 8, 9, 10, 16, 17, 20, 21, 28, 29, 31, 32, and 33.  
 T. 36 N., R. 111 W., all secs. 1, 2, 3, 11, 12, 14, 15, 22, 23, 26, 27, 33, 34, and 35.  
 T. 24 N., R. 112 W., all secs. 3, 4, 5, 8 to 17, 21 to 25, inclusive, and 36.  
 T. 25 N., R. 112 W., all secs. 4 to 9, 16 to 23, and 26 to 30, inclusive, and 34 and 35.  
 T. 27 N., R. 112 W., all secs. 2, 3, 4, 9, 10, 11, 15, 16, 17, 19, 20, 21, 22, and 28 to 32, inclusive.  
 T. 26 N., R. 112 W., all secs. 5 to 9, 16 to 18, inclusive, 21, 22, 28, 29, 32, and 33.  
 T. 28 N., R. 112 W., all secs. 1, 2, 11 to 14, and 23 to 27, inclusive, all secs. 34, 35, and 36.

1958 As this withdrawal has been of such short duration and has probably not come to general public notice, it is further recommended that the usual notice by publication limiting the time for settlement and entry be waived.

Very respectfully,

A. P. DAVIS,  
*Acting Director.*

Approved April 6, 1909, and referred to the General Land Office for action as recommended.

R. A. BALLINGER, *Secretary.*

DEPARTMENT OF THE INTERIOR,  
 UNITED STATES RECLAMATION SERVICE,  
 OFFICE OF THE DIRECTOR,  
 Washington, D. C., April 6, 1909.

The honorable the SECRETARY OF THE INTERIOR  
 (Through the Commissioner of the General Land Office).

SIR: From recent investigations in connection with the Colorado River Storage, Utah, the withdrawal of the following-described lands, withdrawn under the first form by departmental order of February 16, 1909, no longer appears necessary to the interests of the project.

It is therefore respectfully recommended that so much of said departmental order as relates to the areas hereafter listed be vacated, and that such tracts not otherwise withdrawn, reserved, or appropriated be restored to the public domain.

**COLORADO RIVER STORAGE, UTAH, SALT LAKE PRINCIPAL MERIDIAN (COLORADO RIVER).**

All lands within 1 mile on either side of the Colorado River along its entire course from its junction with the Green and Grand rivers, approximately in T. 30 S., R. 18 E., to the Utah-Arizona state line in T. 44 S., R. 5 E., and flowing through the following unsurveyed townships (approximately):

Tps. 43 and 44 S., R. 5 E.  
 Tps. 43 and 44 S., R. 6 E.  
 T. 43 S., R. 7 E.  
 T. 43 S., R. 8 E.  
 Tps. 42 and 43 S., R. 9 E.  
 Tps. 40, 41, 42 S., R. 10 E.  
 Tps. 37, 38, 39, and 40 S., R. 11 E.  
 T. 37 S., R. 12 E.  
 Tps. 34, 35, 36, and 37 S., R. 13 E.  
 Tps. 34, 35, and 36 S., R. 14 E.  
 Tps. 33 and 34 S., R. 15 E.  
 Tps. 33 and 34 S., R. 16 E.  
 Tps. 31, 32, and 33 S., R. 17 E.  
 Tps. 30 and 31 S., R. 18 E.

As this withdrawal has been of such short duration and has probably not come to general public notice, it is further recommended that the usual notice by publication limiting the time for settlement and entry be waived.

Very respectfully,

A. P. DAVIS, *Acting Director.*

Approved April 7, 1909, and referred to the General Land Office for action as recommended.

R. A. BALLINGER, *Secretary.*

DEPARTMENT OF THE INTERIOR,  
 UNITED STATES RECLAMATION SERVICE,  
 OFFICE OF THE DIRECTOR,  
 Washington, D. C., April 7, 1909.

The honorable the SECRETARY OF THE INTERIOR  
 (Through the Commissioner of the General Land Office).

SIR: From recent investigations in connection with the Yellowstone project, Montana, the withdrawal of the following-described lands, withdrawn under the first form by departmental order of February 16, 1909, no longer appears necessary to the interests of the project.

1959 It is therefore respectfully recommended that so much of said departmental order as relates to the areas hereafter listed be vacated, and that such tracts not otherwise withdrawn, reserved, or appropriated be restored to the public domain.

**YELLOWSTONE PROJECT, MONTANA (BIG HORN RIVER), MONTANA PRINCIPAL MERIDIAN.**

T. 1 N., R. 33 E., all secs. 1, 2, 3, 10 to 15, 22 to 27, and 34 to 36, inclusive.  
 T. 2 N., R. 33 E., all secs. 1, 2, 11 to 14, 23 to 26, inclusive, and 35 and 36.  
 T. 3 N., R. 33 E., all secs. 25, 26, 35, and 36.  
 T. 3 N., R. 34 E., all secs. 4, 5, 8, 9, 16, 17, 19, 20, 21, and 28 to 32, inclusive.  
 T. 4 N., R. 34 E., all secs. 2, 3, 4, 9, 10, 11, 14, 15, 16, 20 to 22, 27 to 29, and 32 and 33.

T. 1 S., R. 33 E., all secs. 1 and 2.

All lands along the west side of the Big Horn River within 1 mile thereof through townships 7, 8, 9, and 10 S., ranges 28 and 29 E., unsurveyed.

As this withdrawal has been of such short duration and has probably not come to general public notice, it is further recommended that the usual notice by publication limiting the time for settlement and entry be waived.

Very respectfully,

A. P. DAVIS, *Acting Director.*

Approved April 7, 1909, and referred to the General Land Office for action as recommended.

R. A. BALLINGER, *Secretary.*

1893

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
OFFICE OF THE DIRECTOR,  
Washington, D. C., April 7, 1909.

The honorable the SECRETARY OF THE INTERIOR  
(Through the Commissioner of the General Land Office).

SIR: From recent investigations in connection with the Swan River, Montana, the withdrawal of the following-described lands, withdrawn under the supervisory authority of the Secretary of the Interior under date of February 16, 1909, no longer appears necessary to the interests of the United States.

It is therefore respectfully recommended that so much of said departmental order as relates to the areas hereafter listed be vacated and that such tracts not otherwise withdrawn, reserved, or appropriated be restored to the public domain.

SWAN RIVER, MONTANA.

MONTANA PRINCIPAL MERIDIAN.

T. 26 N., R. 18 W., all secs. 6, 7, 18, 19, and 20.

T. 26 N., R. 19 W., all secs. 1, 2, 3, 10, 11, 12, 13, 14, 15, 23, and 24.

T. 27 N., R. 19 W., all secs. 15, 16, 21, 22, 23, 26, 27, 28, and 31 to 36, inclusive.

As this withdrawal has been of such short duration and has probably not come to general public notice, it is further recommended that the usual notice by publication limiting the time for settlement and entry be waived.

Very respectfully,

A. P. DAVIS, *Acting Director.*

Approved April 7, 1909, and referred to the General Land Office for action as recommended.

R. A. BALLINGER, *Secretary.*

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
OFFICE OF THE DIRECTOR,  
Washington, D. C., April 7, 1909.

The honorable the SECRETARY OF THE INTERIOR  
(Through the Commissioner of the General Land Office).

SIR: From recent investigations in connection with the Flathead River, Montana, the withdrawal of the following-described lands, withdrawn under the supervisory authority of the Secretary of the Interior under date of February 16, 1909, no longer appears necessary to the interests of the United States.

It is therefore respectfully recommended that so much of said departmental order as relates to the areas hereafter listed be vacated and that such tracts not otherwise withdrawn, reserved, or appropriated, be restored to the public domain.

FLATHEAD RIVER, MONTANA.

MONTANA PRINCIPAL MERIDIAN.

T. 30 N., R. 19 W., all secs. 5 and 6 lying north of Flathead River.

T. 31 N., R. 19 W., all secs. 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32 lying west of Flathead River.

T. 26 N., R. 20 W., all secs. 1, 2, 3, 4, and 5.

T. 27 N., R. 20 W., all secs. 3, 4, 5, 9, 10, 11, 14, 15, 16, 21, 22, 23, 25, 26, 27, 28, 33, 34, 35, and 36.

T. 28 N., R. 20 W., all secs. 19 to 22 and 27 to 34, incl.

T. 29 N., R. 20 W., all secs. 6, 7, 18, 19, 30, and 31.

T. 30 N., R. 20 W., all secs. 1, 2, 3, 4, 9, 10, 11, 15 to 21, incl., 30, 31, and 32.

T. 31 N., R. 20 W., all secs. 12 and 13.

T. 28 N., R. 21 W., all secs. 1, 2, 3, 4, 9, 10, 11, 15, 16, 21 to 28, and 33 to 36, incl.

T. 29 N., R. 21 W., all secs. 1, 12, 13, 24, 25, and 36.

T. 30 N., R. 21 W., all secs. 13, 24, 25, and 36.

As this withdrawal has been of such short duration, and has probably not come to general public notice, it is further recommended that the usual notice by publication limiting the time for settlement and entry be waived.

Very respectfully,

A. P. DAVIS, *Acting Director.*

Approved April 10, 1909, and referred to the General Land Office for action as recommended.

R. A. BALLINGER, *Secretary.*

1895

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
OFFICE OF THE DIRECTOR,  
Washington, D. C., April 7, 1909.

The honorable the SECRETARY OF THE INTERIOR  
(Through the Commissioner of the General Land Office).

SIR: From recent investigations in connection with the Missouri River, Montana, the withdrawal of the following described lands, withdrawn under the supervisory authority of the Secretary of the Interior, under date of February 16, 1909, no longer appears necessary to the interests of the United States.

It is therefore respectfully recommended that so much of said departmental order as relates to the areas hereafter listed be vacated and that such tracts not otherwise withdrawn, reserved, or appropriated be restored to the public domain.

MISSOURI RIVER, MONTANA.

MONTANA PRINCIPAL MERIDIAN.

[Jefferson, Madison, Gallatin, and Beaverhead rivers.]

- T. 1 N., R. 1 E., all secs. 4, 5, 6, 7, 8, 9, 17, 18.
- T. 2 N., R. 1 E., all secs. 13, 14, 22 to 29, incl., 32, 33, 34.
- T. 3 S., R. 1 E., all secs. 2, 3, 4, 9, 10, 11, 15, 16, 21, 22, 27, 28, 33, 34.
- T. 4 S., R. 1 E., all secs. 4, 5, 8, and 9, not included within Madison National Forest, all secs. 17, 18, 19, 20, 30, and 31.
- T. 8 S., R. 1 E., all secs. 19, 30, and 31.
- T. 9 S., R. 1 E., all secs. 6, 7, 18, 19, 30, 31.
- T. 10 S., R. 1 E., all secs. 5, 6, 7, 8, 16, 17, 18, 20, 21, 27, 28, 29, 33, and 34.
- T. 1 N., R. 2 E., all secs. 4 to 9, 16 to 21, and 28 to 33, incl.
- T. 1 S., R. 2 E., all secs. 5, 8, 17, 20, 29, and 32.
- T. 2 S., R. 2 E., all secs. 5, 8, 17, 20, and 29.
- T. 2 N., R. 3 E., all secs. 25 to 36, incl.
- T. 1 N., R. 1 W., all secs. 19, 30, and 31.
- T. 4 S., R. 1 W., all secs. 25, 26, 35, and 36.
- T. 5 S., R. 1 W., all secs. 1, 2, 3, 10, 11, 12, 14, 15, 22, 23, 27, 28, 33, and 34.
- T. 6 S., R. 1 W., all secs. 3, 4, 8, 9, 10, 15, 16, 17, 20, 21, 22, 28 to 33, incl.
- T. 7 S., R. 1 W., all secs. 4 to 9, 16 to 21, 27 to 29, and 32 to 35, incl.
- T. 8 S., R. 1 W., all secs. 2, 3, 4, 9 to 15, incl., 22, 23, 24, 25, 26, 35, and 36.
- T. 1 N., R. 2 W., all secs. 6, 7, 8, 14 to 26, incl., and 35, and 36.
- T. 1 N., R. 3 W., all secs. 1 to 13, incl., 18 and 24.
- T. 2 N., R. 3 W., all secs. 31 to 36, incl.
- T. 1 N., R. 4 W., all secs. 1, 2, 9 to 17, incl., 20, 21, 28, 29, 32, and 33.
- T. 2 N., R. 4 W., all secs. 35 and 36.
- T. 1 S., R. 4 W., all secs. 5, 6, 7, 8, and 18.
- T. 14 S., R. 4 W., all secs. 1 to 12, incl.
- T. 1 S. R. 5 W., all secs. 1, 10 to 16, incl., 21, 22, 23, and 27 to 34, incl.
- T. 2 S., R. 5 W., all secs. 5, 6, 7, and 18.
- T. 14 S., R. 5 W., all secs. 1 to 12, incl.
- T. 1 S., R. 6 W., all sec. 36.
- T. 2 S., R. 6 W., all secs. 1, 2, 11, 12, 13, 14, 15, 22 to 27, and 33 to 36, incl.
- T. 3 S., R. 6 W., all secs. 2, 3, 4, 9, 10, 15, 16, 20, 21, 22, and 27 to 34, incl.
- T. 4 S., R. 6 W., all secs. 3, 4, 5, 6, 8, 9, 10, 13 to 17, 20 to 26, incl., 29, 30, 31, 32, 35, and 36.
- T. 5 S., R. 6 W., all sec. 6.
- T. 13 S., R. 6 W., all secs. 31, 32, and 33.
- T. 14 S., R. 6 W., all secs. 1 to 6 and 8 to 16, incl.

- T. 4 S., R. 7 W., all sec. 36.  
 T. 5 S., R. 7 W., all secs. 1, 2, 10 to 15, 19 to 23, and 27 to 32, incl.  
 T. 13 S., R. 7 W., all secs. 31 to 36, incl.  
 T. 14 S., R. 7 W., all secs. 1 to 6, incl.  
 T. 5 S., R. 8 W., all secs. 25 and 36.  
 T. 6 S., R. 8 W., all secs. 1, 2, 10, 11, 12, 14, 15, 21, 22, 23, 27, 28, 32, 33, and 34.  
 T. 7 S., R. 8 W., all secs. 4 to 9, incl., 17, 18, 19, and 30.  
 T. 13 S., R. 8 W., all secs. 19 and 28 to 36, incl.  
 T. 14 S., R. 8 W., all secs. 1, 2, 3, and 4.  
 T. 7 S., R. 9 W., all secs. 13, 23 to 27, incl., 34, 35, and 36.  
 T. 8 S., R. 9 W., all secs. 2, 3, 4, 8, 9, 10, 15 to 21, and 29 to 32, incl.  
 T. 11 S., R. 9 W., all sec. 31.  
 1896 T. 12 S., R. 9 W., all secs. 6, 7, 8, 16, 17, 18, 20, 21, 27, 28, 29, 33, and 34.  
 T. 13 S., R. 9 W., all secs. 3, 4, 9, 10, 11, 13, 14, 15, 16, 22, to 25, incl.  
 T. 8 S., R. 10 W., all secs. 24, 25, 26, 35, and 36.  
 T. 9 S., R. 10 W., all secs. 1, 2, 3, 9, 10, 11, 12, 14, 15, 16, 20, 21, 22, 27, 28, 29, 33, and 34.  
 T. 10 S., R. 10 W., all secs. 5, 6, 7, 8, 16, 17, 18, 20, 21, 22, 27, 28, 29, 33, and 34.  
 T. 11 S., R. 10 W., all secs. 2, 3, 4, 9, 10, 11, 14, 15, 22, 23, 24, 25, 26, 35, and 36.  
 T. 12 S., R. 10 W., all sec. 1.

As this withdrawal has been of such short duration and has probably not come to general public notice, it is further recommended that the usual notice by publication limiting the time for settlement and entry be waived.

Very respectfully,

A. P. DAVIS, *Acting Director.*

Approved April 10, 1909, and referred to the General Land Office for action as recommended.

R. A. BALLINGER, *Secretary.*

DEPARTMENT OF THE INTERIOR,  
 UNITED STATES RECLAMATION SERVICE,  
 OFFICE OF THE DIRECTOR,  
 Washington, D. C., April 7, 1909.

The honorable the SECRETARY OF THE INTERIOR  
 (Through the Commissioner of the General Land Office).

SIR: From recent investigations in connection with the Missouri River, Montana, the withdrawal of the following-described lands, withdrawn under the supervisory authority of the Secretary of the Interior under date of January 18, 1909, no longer appears necessary to the interests of the United States.

It is therefore respectfully recommended that so much of said departmental order as relates to the areas hereafter listed be vacated and that such tracts not otherwise withdrawn, reserved, or appropriated be restored to the public domain.

MISSOURI RIVER, MONTANA.

MONTANA PRINCIPAL MERIDIAN.

- T. 6 N., R. 1 E., all sec. 1.  
 T. 7 N., R. 1 E., all secs. 1, 2, 11 to 14, 23 to 26, incl., 35 and 36.  
 T. 8 N., R. 1 E., all secs. 1, 2, 11 to 14, 23 to 26, incl., 35 and 36.  
 T. 9 N., R. 1 E., all secs. 4 to 10, incl., 13 to 17, incl., 22 to 27, incl., 35 and 36.  
 T. 10 N., R. 1 E., all secs. 29 to 32, incl.  
 T. 18 N., R. 1 E., all secs. 2 to 5, 8, 9, 10, 15 to 20, incl., 29 and 30.  
 T. 19 N., R. 1 E., all secs. 13, 23 to 27 and 34 to 36, incl.  
 T. 2 N., R. 2 E., all secs. 3 to 10 and 15 to 36, incl.  
 T. 3 N., R. 2 E., all secs. 1, 2, 11 to 15, 22 to 27, incl., 34 and 35.  
 T. 4 N., R. 2 E., all secs. 1, 2, 11 to 14, 23 to 26, incl., 35 and 36.  
 T. 5 N., R. 2 E., all secs. 3, 4, 9, 10, 14, 15, 16, 22, 23, 24, 25, 26, 35, and 36.  
 T. 6 N., R. 2 E., all secs. 6, 7, 8, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 32, 33, and 34.  
 T. 7 N., R. 2 E., all secs. 6, 7, 18, 19, 30, and 31.  
 T. 8 N., R. 2 E., all secs. 30 and 31.  
 T. 19 N., R. 2 E., all secs. 1 to 20, incl., and 29 to 31, incl.  
 T. 3 N., R. 3 E., all secs. 6, 7, 18, and 19.  
 T. 4 N., R. 3 E., all secs. 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32 (partly unsurveyed).

- T. 5 N., R. 3 E., all sec. 31 (unsurveyed).  
 T. 19 N., R. 3 E., all secs. 1 to 18, incl., and 21 to 24, incl.  
 T. 20 N., R. 3 E., all secs. 1 to 3, 10 to 15, 22 to 27, and 31 to 36, incl.  
 T. 19 N., R. 4 E., all secs. 6 and 7.  
 T. 20 N., R. 4 E., all sec. 31.  
 T. 10 N., R. 1 W., all secs. 2 to 6, 10, 11, 13, 14, 15, 22 to 27, and 34 to 36, incl.  
 T. 11 N., R. 1 W., all secs. 30, 31, and 32.  
 T. 17 N., R. 1 W., all secs. 1, 2, 3, 8 to 12, incl., 16 to 21 and 29 to 31, incl.  
 T. 18 N., R. 1 W., all secs. 23, 24, 25, 26, 35, and 36.  
 T. 10 N., R. 2 W., all sec. 1.  
 T. 11 N., R. 2 W., all secs. 4, 5, 8 to 17, 23 to 26, incl., 35 and 36.  
 T. 12 N., R. 2 W., all sec. 31, all secs. 19, 30, and 32 west of Missouri River  
 1897 (unsurveyed).  
 T. 13 N., R. 2 W., all secs. 6 and 7, and 19, 30, and 31 west of Missouri River  
 (unsurveyed).  
 T. 16 N., R. 2 W., all secs. 1, 2, 3, 9, 10, 11, 14 to 22, incl., 28, 29, and 30 (partly  
 unsurveyed).  
 T. 17 N., R. 2 W., all secs. 25 and 26, and 35 and 36.  
 T. 12 N., R. 3 W., all secs. 13 and 14 west of Missouri River, and all secs. 2, 3, 10,  
 and 11.  
 T. 13 N., R. 3 W., all secs. 1, 2, 11, 12, 13, 14, 23, and 24, 25, 26, 35, and 36.  
 T. 14 N., R. 3 W., all secs. 3, 4, 5, 8, 9, 10, 11, 13, 14, 15, 16, 22, 23, 26, 27, 34, and 35.  
 T. 15 N., R. 3 W., all secs. 2, 3, 10, 11, 13 to 17, 20 to 22, incl., 27, 28, 29, 32, 33,  
 and 34.  
 T. 16 N., R. 3 W., all secs. 22, 23, 24, 25, 26, 27, 34, 35, and 36.

As this withdrawal has been of such short duration and has probably not come to  
 general public notice, it is further recommended that the usual notice by publication  
 limiting the time for settlement and entry be waived.

Very respectfully,

A. P. DAVIS, *Acting Director.*

Approved April 7, 1909, and referred to the General Land Office for action as recom-  
 mended.

R. A. BALLINGER, *Secretary.*

1954

DEPARTMENT OF THE INTERIOR,  
 UNITED STATES RECLAMATION SERVICE,  
 OFFICE OF THE DIRECTOR,  
 Washington, D. C., April 7, 1909.

The honorable the SECRETARY OF THE INTERIOR  
 (Through the Commissioner of the General Land Office).

SIR: From recent investigations in connection with the Yellowstone project, Mont-  
 ana, the withdrawal of the following-described lands, withdrawn under the first  
 form by departmental order of December 29, 1908, no longer appears necessary to  
 the interests of the project.

It is therefore respectfully recommended that so much of said departmental order  
 as relates to the areas hereafter listed be vacated and that such tracts not otherwise  
 withdrawn, reserved, or appropriated be restored to the public domain and become  
 subject to settlement and entry on such dates and after such notice by publication as  
 the Secretary of the Interior may prescribe.

YELLOWSTONE PROJECT, MONTANA, MONTANA PRINCIPAL MERIDIAN.

- T. 6 S., R. 7 E., all secs. 12, 13, 14, 21, 22, 23, 24, 26, 27, 28, 33, 34, and 35.  
 T. 7 S., R. 7 E., all secs. 3, 4, 5, 8, 9, 16 to 21 inclusive, 28, 29, and 30.  
 T. 8 S., R. 7 E., all secs. 1, 2, 3, 10, 11, 12, 13, and 24.  
 T. 3 S., R. 8 E., all secs. 1, 10 to 15, 22 to 24 inclusive, 26, 27, 28, 33, 34, and 35.  
 T. 6 S., R. 8 E., all secs. 3, 4, 5, 7, 8, 9, 17, and 18.  
 T. 8 S., R. 8 E., all secs. 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32.  
 T. 9 S., R. 8 E., all secs. 5 to 18, inclusive.  
 T. 2 S., R. 9 E., all secs. 12, 13, 14, 23, 24, 25, 26, 35, and 36.  
 T. 3 S., R. 9 E., all secs. 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36.  
 T. 4 S., R. 9 E., all secs. 1, 2, 9 to 16 inclusive, 21, 22, 27, 28, 33, and 34.  
 T. 5 S., R. 9 E., all secs. 4 to 9, inclusive.  
 T. 9 S., R. 9 E., all secs. 7, 8, 9, 16, 17, and 18.  
 T. 1 S., R. 10 E., all secs. 23 to 29 and 32 to 36, inclusive.

- T. 2 S., R. 10 E., all secs. 4, 5, 7, 8, 17, 18, 19, and 20.  
 T. 1 S., R. 11 E., all secs. 19, 20, 21, 22, and 26 to 36, inclusive.  
 T. 2 S., R. 11 E., all secs. 1, 2, 3.  
 T. 1 S., R. 12 E., all secs. 10 to 17, 20 to 24, and 27 to 34, inclusive.  
 T. 2 S., R. 12 E., all secs. 4, 5, 6.  
 T. 1 S., R. 13 E., all secs. 1 to 12, inclusive, and 17 and 18.  
 T. 1 S., R. 16 E., all secs. 4, 5, 8, 9, 10, 13, 14, 15, 16, 17, 22, 23, and 24.  
 T. 1 S., R. 17 E., all secs. 16 to 22, inclusive, 25 to 29, and 32 to 36, inclusive.  
 T. 1 S., R. 18 E., all secs. 26 to 35, inclusive.  
 T. 2 S., R. 18 E., all secs. 1, 2, 3, 10, 11, 12.  
 T. 1 S., R. 19 E., all secs. 31, 32, 33, and 34.  
 T. 2 S., R. 19 E., all secs. 1 to 15 and 23 to 25, inclusive.  
 T. 2 S., R. 20 E., all secs. 14 to 36, inclusive.  
 T. 2 S., R. 21 E., all secs. 28 to 33, inclusive.  
 T. 3 S., R. 21 E., all secs. 1 to 16, inclusive.  
 T. 2 S., R. 22 E., all secs. 25 to 27 and 32 to 36, inclusive.  
 T. 7 S., R. 22 E., all secs. 23, 24, 25, 26, 35, and 36.  
 T. 8 S., R. 22 E., all secs. 1, 2, 3, 10 to 15, 22 to 27, and 34 to 36, inclusive.  
 T. 9 S., R. 22 E., all secs. 3, 4, 5, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33.  
 T. 10 S., R. 22 E., all fractional secs. 5 and 6.  
 T. 8 S., R. 23 E., all secs. 31 to 36, inclusive.  
 T. 3 S., R. 23 E., all secs. 1, 2, 3, 4, 5, 6, 12, 13, 24, 25, 36.  
 T. 4 S., R. 23 E., all secs. 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36.  
 T. 5 S., R. 23 E., all secs. 2, 3, 4, 5, 8, 9, 10, 16, 17, 20, 21, 28, 29, 32, and 33.  
 T. 6 S., R. 23 E., all secs. 2, 3, 9, 10, 15, 16, 21, 22, 27, 28, 33, and 34.  
 T. 7 S., R. 23 E., all secs. 4, 5, 7, 8, 9, 17, 18, 19, and 30.  
 T. 2 S., R. 24 E., all secs. 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 26 to 36, inclusive.  
 T. 5 S., R. 24 E., all secs. 4, 5, 6, 7, 8, 17, 18, 19, 30, and 31.  
 T. 1 S., R. 25 E., all secs. 25, 26, 27, 28, 33, 34, 35, and 36.  
 T. 2 S., R. 25 E., all secs. 3 to 9, inclusive, 17, and 18.  
 T. 1 S., R. 26 E., all secs. 2, 3, 8, 9, 10, 11, 14 to 21, inclusive, 29, and 30.  
 T. 1 N., R. 13 E., all secs. 24, 25, 26, 35, and 36.  
 T. 1 N., R. 14 E., all secs. 8 to 20, inclusive, and 30.  
 T. 1 N., R. 15 E., all secs. 7, 8, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, 27, 34, 35, and 36.  
 T. 1 N., R. 16 E., all secs. 29 to 32, inclusive.

As the withdrawal has been of such short duration and has probably not come to general public notice, it is further recommended that the usual notice by publication limiting the time for settlement and entry be waived.

Very respectfully,

A. P. DAVIS, *Acting Director.*

Approved April 7, 1909, and referred to the General Land Office for action as recommended.

R. A. BALLINGER, *Secretary.*

1169

DEPARTMENT OF THE INTERIOR,  
*Washington, April 7, 1909.*

Hon. THOS. H. CARTER,  
*United States Senate.*

SIR: Your letter of March 31 has been received, transmitting copy of resolutions adopted by the Madison Club of Virginia City, Mont., protesting against the withdrawal from entry of lands along the Jefferson, Madison, and Beaverhead rivers and their tributaries in Madison County, Mont.

The lands in question were withdrawn from all forms of entry on February 16, 1909, preliminary to an examination for power sites in connection with the possible future development of the water possibilities for irrigation or other uses.

The restoration to the public domain of the lands involved has been ordered.

Very respectfully,

R. A. BALLINGER, *Secretary.*



1171

CONSERVATION, OFFICIAL MAGAZINE OF THE  
AMERICAN FORESTRY ASSOCIATION,  
Washington, D. C., April 7, 1909.

Hon. RICHARD A. BALLINGER,  
*Secretary of the Interior, Washington, D. C.*

DEAR SIR: I have noticed several statements in the papers of late, one of which I inclose, regarding restoration of sections of the public domain withdrawn by President Roosevelt.

Will you kindly furnish me the facts, together with such information as may be appropriate regarding these restorations, that I may make mention of the matter in the magazine, *Conservation*?

Very truly, yours,

THOS. E. WILL.

1719

MORE PUBLIC LANDS RESTORED BY TAFT.

More of the public domain which was withdrawn under the Roosevelt administration, in pursuance of his conservation policy, was restored to-day under order of President Taft.

The quarter of a million acres in the Salmon River country, Idaho, which was withdrawn in February to prevent the acquisition of several power sites, was restored. A thousand acres of land near Bear Lake, Utah, was also restored.

The Salmon River land becomes subject to settlement at once, and the Bear Lake subject to settlement June 29 and to entry July 29.

1171

DEPARTMENT OF THE INTERIOR,  
Washington, April 8, 1909.

SIR: The lands which you refer to as having been restored to entry in your letter of the 7th instant were withdrawn under what was denominated as the supervisory authority of the Secretary, in connection with future development, upon the report of the Acting Director of the Reclamation Service. The restoration was made likewise upon the report of the acting director on the ground that recent investigations showed that said withdrawal no longer appeared necessary to the interests of the United States.

Very respectfully,

R. A. BALLINGER, *Secretary.*

Mr. THOMAS E. WILL,  
1417 G street NW., Washington, D. C.

1897

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
OFFICE OF THE DIRECTOR,  
Washington, D. C., April 8, 1909.

The honorable the SECRETARY OF THE INTERIOR  
(Through the Commissioner of the General Land Office).

SIR: From recent investigations in connection with the Owyhee River, Oregon, the withdrawal of the following-described lands, withdrawn under the supervisory authority of the Secretary of the Interior, under date of January 18, 1909, no longer appears necessary to the interests of the United States.

It is therefore respectfully recommended that so much of said departmental order as relates to the areas hereafter listed be vacated and that such tracts not otherwise withdrawn, reserved, or appropriated be restored to the public domain.

OWYHEE RIVER, OREGON.

WILLAMETTE PRINCIPAL MERIDIAN.

T. 27 S., R. 41 E., all secs. 23, 24, 25, 26, 35, and 36.

T. 28 S., R. 41 E., all secs. 1, 2, 3, 10 to 17, 20 to 24, 27 to 29, and 32 to 34, incl.

T. 29 S., R. 41 E., all secs. 4, 5, 8, 9, 16, 17, 20, 21, and 28 to 33, incl.

T. 30 S., R. 41 E., all secs. 4, 5, 6, 7, 8, 9, 16 to 21, 28 to 33, incl.

- T. 31 S., R. 41 E., all.  
 T. 27 S., R. 42 E., all secs. 19 to 36, incl.  
 T. 31 S., R. 42 E., all secs. 4 to 9, 16 to 21, and 28 to 33, incl.  
 T. 32 S., R. 42 E., all (unsurveyed).  
 T. 33 S., R. 42 E., all secs. 1, 2, 3, 10 to 15, incl. (unsurveyed).  
 T. 26 S., R. 43 E., all secs. 3, 4, 5, 8 to 17, 19 to 24, and 28 to 33, incl.  
 T. 27 S., R. 43 E., all secs. 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32 (unsurveyed).  
 T. 32 S., R. 43 E., all secs. 29 to 32, incl. (unsurveyed).  
 T. 33 S., R. 43 E., all (unsurveyed).  
 T. 23 S., R. 44 E., all secs. 1, 2, 3, 10 to 15, 22 to 27, and 34 to 36, incl. (unsurveyed).  
 T. 24 S., R. 44 E., all (unsurveyed).  
 T. 25 S., R. 44 E., all secs. 2, 3, 4, 9, 10, 11, 14, 15, 16, 21, 22, 23, 26, 27, 28, 33, 34, and 35 (unsurveyed).  
 T. 26 S., R. 44 E., all secs. 3, 4, 9, 10, and 15 to 18, incl.  
 T. 33 S., R. 44 E., all secs. 19 to 36, incl. (unsurveyed).  
 T. 34 S., R. 44 E., all secs. 1 to 12, incl. (unsurveyed).  
 T. 21 S., R. 45 E., all secs. 1, 2, 3, 10 to 15, and 19 to 36, incl. (unsurveyed).  
 T. 22 S., R. 45 E., all (unsurveyed).  
 T. 23 S., R. 45 E., all secs. 4 to 9, 16 to 21, 28 to 33, incl. (unsurveyed).  
 T. 33 S., R. 45 E., all secs. 19, 20, 21, and 28 to 33, incl. (unsurveyed).  
 T. 34 S., R. 45 E., all (unsurveyed).  
 1898 T. 35 S., R. 45 E., all.  
 T. 20 S., R. 46 E., all secs. 25 to 36, incl.  
 T. 21 S., R. 46 E., all secs. 1 to 12, incl., and sec. 18.  
 T. 35 S., R. 46 E., all.  
 T. 20 S., R. 47 E., all secs. 30 and 31.  
 T. 21 S., R. 47 E., all secs. 6 and 7.

As this withdrawal has been of such short duration and has probably not come to general public notice, it is further recommended that the usual notice by publication limiting the time for settlement and entry be waived.

Very respectfully,

A. P. DAVIS, *Acting Director.*

Approved April 10, 1909, and referred to the General Land Office for action as recommended.

R. A. BALLINGER, *Secretary.*

1953

DEPARTMENT OF THE INTERIOR,  
 UNITED STATES RECLAMATION SERVICE,  
 OFFICE OF THE DIRECTOR,  
 Washington, D. C., April 9, 1909.

The honorable the SECRETARY OF THE INTERIOR  
 (Through the Commissioner of the General Land Office).

SIR: From recent investigations in connection with the Grand Valley project, Colorado-Utah, the withdrawal of the following-described lands, withdrawn under the first form by departmental order of December 4, 1908, no longer appears necessary to the interests of the project.

It is therefore respectfully recommended that so much of said departmental order as relates to the areas hereafter listed be vacated and that such tracts not otherwise withdrawn, reserved, or appropriated be restored to the public domain and become subject to settlement and entry on such dates and after such notice by publication as the Secretary of the Interior may prescribe.

GRAND VALLEY PROJECT, COLORADO-UTAH, SALT LAKE PRINCIPAL MERIDIAN, UTAH.

All lands within 1 mile on either side of the Grand River along its entire course from its junction with the Green River located approximately in T. 30 S., R. 18 E., to the Utah-Colorado state line in T. 19 S., R. 26 E., located approximately through the following townships, surveyed and unsurveyed:

- Tps. 29 and 30 S., R. 18 E.  
 Tps. 27, 28, 29, 30 S., R. 19 E.  
 Tps. 27, 28 S., R. 20 E.  
 Tps. 25, 26, 27 S., R. 21 E.  
 Tps. 24, 25 S., R. 22 E.  
 Tps. 23, 24 S., R. 23 E.  
 Tp. 23 S., R. 24 E.

As this withdrawal has been of such short duration and has probably not come to general public notice, it is further recommended that the usual notice by publication limiting the time for settlement and entry be waived.

Very respectfully,

A. P. DAVIS, *Acting Director.*

Approved April 10, 1909, and referred to the General Land Office for action as recommended.

R. A. BALLINGER, *Secretary.*

1171

DEPARTMENT OF THE INTERIOR,  
*Washington, April 10, 1909.*

HON. CHARLES N. PRAY,  
*House of Representatives.*

SIR: Your letter of April 2, 1909, has been received, transmitting a resolution from the Madison Club of Virginia City, Mont., protesting against the withdrawal from entry of lands along the Jefferson, Madison, and Beaverhead rivers and their tributaries in Montana.

The lands in question were withdrawn from all forms of entry on February 16, 1909, preliminary to an examination of power sites in connection with the possible future development of water-power possibilities for irrigation or other uses, but as the withdrawal appears to be no longer necessary to the interests of the United States, the lands will be restored at an early date.

Very respectfully,

R. A. BALLINGER, *Secretary.*

1714

DEPARTMENT OF THE INTERIOR,  
*Washington, April 10, 1909.*

HON. MYRON T. HERRICK,  
*Cleveland, Ohio.*

SIR: In further reply to your letter of March 31, transmitting protest by Mr. A. J. Bennett, of Virginia City, Mont., against the withdrawal from entry of lands along the Jefferson, Madison, and Ruby rivers in Montana, it is found that the lands in question were withdrawn from all forms of entry February 16, 1909, preliminary to an examination of power sites in connection with the possible future development of water-power possibilities for irrigation or other uses.

The restoration to the public domain of the lands involved was ordered on April 7.

Mr. Bennett's letter is returned herewith.

Very respectfully,

\_\_\_\_\_,  
*Secretary.*

A.P.D.

1714

APRIL 10, 1909.

HON. MYRON T. HERRICK,  
*Cleveland, Ohio.*

SIR: In further reply to your letter of March 31, transmitting protest by Mr. A. J. Bennett, of Virginia City, Mont., against the withdrawal from entry of lands along the Jefferson, Madison, and Ruby rivers in Montana, it is found that the lands in question were withdrawn from all forms of entry February 16, 1909, preliminary to an examination of power sites in connection with the possible future development of water-power possibilities for irrigation or other uses; but as the withdrawal appears to be no longer necessary to the interests of the United States the lands will be restored at an early date.

Mr. Bennett's letter is returned herewith.

Very respectfully,

R. A. BALLINGER, *Secretary.*

1718

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
*Washington, D. C., April 10, 1909.*

SIR: I am in receipt of your letter of April 1, giving instructions to report the reasons, if there are any, why certain lands in the States of Montana, Utah, and Oregon should not be restored to entry under the public-land laws.

The area of 677,000 acres mentioned in your letter is probably the total area of the townships and sections named in the various lists. A large portion of each of these townships has already passed out of the control of the United States, and the withdrawal would not affect lands where title had already been initiated.

In making these withdrawals it is understood to have been the policy to make examinations as early as possible with the purpose of restoring the major portion of the lands, after reserving areas which include natural falls, dam sites, or other natural opportunities for the cheap development of power.

These lands were withdrawn by order of Secretary Garfield in accordance with a policy adopted by the Cabinet of President Roosevelt for the purpose of checking the acquisition of valuable power sites in the mountain regions of the West by syndicates, which were believed to be attempting to monopolize all the available power possibilities in certain regions.

That such attempts at power monopoly are being actively and extensively made seems to be well established, but whether it can be prevented or materially checked by executive action under present laws is a question involving points of law and of administrative policy upon which this office is not competent to advise.

Very respectfully,

A. P. DAVIS, *Acting Director.*

The SECRETARY OF THE INTERIOR.

1959

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
OFFICE OF THE DIRECTOR,  
Washington, D. C., April 15, 1909.

The honorable the SECRETARY OF THE INTERIOR  
(Through the Commissioner of the General Land Office).

SR: From recent investigations in connection with the Colorado River Storage, Utah, the withdrawal of the following-described lands, withdrawn under the first form by departmental order of February 17, 1909, no longer appears necessary to the interests of the project.

It is therefore respectfully recommended that so much of said departmental order as relates to the areas hereafter listed be vacated and that such tracts not otherwise withdrawn, reserved, or appropriated be restored to the public domain.

COLORADO RIVER STORAGE, UTAH, SALT LAKE PRINCIPAL MERIDIAN (GREEN RIVER).

All lands within 1 mile on either side of the Green River along its entire course, from its junction with the Grand and Colorado rivers approximately in T. 30 S., R. 18 E., northerly to the township line between townships 10 and 11 S., approximately in R. 18 E., Salt Lake Meridian, and flowing through the following surveyed and unsurveyed townships (approximately):

Tps. 18, 19, 23, and 24 S., R. 16 E.

Tps. 13 to 19 S., inclusive, and 23 to 30 S., R. 17 E.

Tps. 11 to 13 S., inclusive, and 25, 26, 29, and 30 S., R. 18 E., T. 11 S., R. 19 E.

Also the following-named sections located approximately in the surveyed and unsurveyed townships as hereafter described:

T. 10 S., R. 18 E., all of secs. 23 to 27 and 34 to 36, inclusive (unsurveyed).

T. 9 S., R. 19 E., all secs. 1, 12, 13, and 14, 22 to 33, inclusive (partly unsurveyed).

T. 10 S., R. 19 E., all secs. 4 to 8, 17 to 20, inclusive, and 29 and 30.

T. 7 S., R. 20 E., all of secs. 13, 24, 25, and 36.

T. 8 S., R. 20 E., all of secs. 1, 2, 11 to 14, inclusive, 22 to 27 and 32 to 36, inclusive.

T. 9 S., R. 20 E., all of secs. 1 to 6, inclusive.

T. 7 S., R. 21 E., all of secs. 1 to 9, 16 to 21, and 28 to 33, inclusive.

T. 8 S., R. 21 E., all of secs. 5 and 6.

As the withdrawal has been of such short duration, and has probably not come to general public notice, it is further recommended that the usual notice by publication limiting the time for settlement and entry be waived.

Very respectfully,

A. P. DAVIS,  
*Acting Director.*

Approved April 15, 1909, and referred to the General Land Office, for action as recommended.

R. A. BALLINGER, *Secretary.*

1955

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
OFFICE OF THE DIRECTOR,  
Washington, D. C., April 16, 1909.

The honorable the SECRETARY OF THE INTERIOR  
(Through the Commissioner of the General Land Office).

SIR: From recent investigations in connection with the Yellowstone project, Montana, the withdrawal of the following-described lands, withdrawn under the first form by departmental order of February 16, 1909, no longer appears necessary to the interests of the project.

It is therefore respectfully recommended that so much of said departmental order as relates to the areas hereafter listed be vacated and that such tracts not otherwise withdrawn, reserved, or appropriated be restored to the public domain.

YELLOWSTONE PROJECT, MONTANA, MONTANA PRINCIPAL MERIDIAN.

T. 1 N., R. 26 E., all secs. 13, 14, 22 to 27, inclusive, 33, 34, 35.

T. 1 N., R. 27 E., all secs. 1 to 9, 17, 18, 19.

T. 2 N., R. 27 E., all secs. 1, 12, 14, 23, 26, 27, 33, and all that part of secs. 13, 24, 25, 34, 35, and 36 lying west of Yellowstone River, and E.  $\frac{1}{2}$  and SW.  $\frac{1}{4}$  sec. 36.

T. 3 N., R. 27 E., all sec. 36.

T. 2 N., R. 28 E., all that part of secs. 5, 6, 7, and 18 lying north and west of Yellowstone River, E.  $\frac{1}{2}$ , E.  $\frac{1}{4}$  SW.  $\frac{1}{4}$ , and SW.  $\frac{1}{4}$  SW.  $\frac{1}{4}$  sec. 30.

T. 3 N., R. 28 E., all secs. 13, 14, 21, 22, 23, 29, 30, and 31, and all that part of secs. 24, 26, 27, 28, 32, and 33 lying west of Yellowstone River.

T. 3 N., R. 29 E., all secs. 13 to 18, inclusive, and all that part of secs. 19 to 24, inclusive, lying north of Yellowstone River.

T. 3 N., R. 30 E., all secs. 12 and 14 to 18, inclusive, and all that part of secs. 13 and 19 to 24, inclusive, lying north and west of Yellowstone River.

T. 3 N., R. 31 E., all secs. 4, 5, and 6, and all that part of secs. 1, 2, 3, 7, 8, 9, 10, and 18 lying north and west of Yellowstone River.

T. 4 N., R. 31 E., all secs. 33 to 36, inclusive.

T. 3 N., R. 32 E., all secs. 5, 6, and 7.

T. 4 N., R. 32 E., all secs. 1, 12, 13, 14, and 21 to 36, inclusive.

T. 4 N., R. 33 E., all secs. 2 to 10 and 16 to 19, inclusive.

T. 5 N., R. 33 E., all secs. 25 to 28 and 33 to 36, inclusive.

T. 5 N., R. 34 E., all secs. 19 to 36, inclusive.

As the withdrawal has been of such short duration and has probably not come to general public notice, it is further recommended that the usual notice by publication limiting the time for settlement and entry be waived.

Very respectfully,

A. P. DAVIS,  
Acting Director.

Approved April 16, 1909, and referred to the General Land Office for action as recommended.

R. A. BALLINGER, Secretary.

Noted on Tract Books April 30, 1909.

J. H. CLEAR, Div. "O."

1175

DEPARTMENT OF THE INTERIOR,  
Washington, April 23, 1909.

DEAR SIR: You will please immediately detail such employee or employees of your service as are available to make an investigation of water-power sites on the public domain, outside of national forests, which are not included within withdrawals for reclamation purposes with the view of securing at the next session of Congress legislation to control and regulate their disposition.

You will please have your report with regard to such lands available as early as possible in order that any necessary withdrawals may be made to protect such power sites pending the securing of such proposed legislation as may be recommended by the President.

All withdrawals made for the purpose herein mentioned will be of a temporary nature to allow the securing of such legislation as will permit of the disposition of the lands in question.

The Reclamation Service will cooperate with you in order to secure the necessary data.

Very truly, yours,  
Hon. GEO. OTIS SMITH,  
Director of the Geological Survey.

R. A. BALLINGER, Secretary.

## Form of Re-withdrawal.

1721

## TEMPORARY POWER-SITE WITHDRAWAL NO. 11.

[Flathead River, Montana—Montana principal meridian.]

In aid of proposed legislation affecting the disposal of the water-power sites on the public domain, all public lands in the following list are temporarily withdrawn from all forms of entry, selection, disposal, settlement, or location, and all existing claims, filings, and entries are temporarily suspended. All valid entries heretofore made may proceed up to and including the submission of final proof, but no purchase money will be received or final certificate of entry issued until further orders.

## Statement of M. O. Leighton to Director Geological Survey, April 26, 1909.

The scope of the water-resources investigations has recently proved to be of national significance in two important respects. It is obvious that the proper administration of this act requires at the outset a knowledge of the available water supplies. Without such information the act is practically nonadministrable. The second national feature dependent on these investigations is the temporary withdrawal, under the authority of the President, pending legislative action, of water-power sites along the rivers of the public domain. The extent and value of any water power depend on the amount of water that the stream furnishes. To withdraw from entry power sites on the public domain intelligently would be impossible without definite information, and, were not available data at hand, the propositions for withdrawal would involve a gigantic piece of investigation that could not be finished for a long term of years. It is true that information is lacking regarding a large number of important sites on the public domain, but it is also true that by the aid of the information which the Survey had collected during past years it has been possible to withdraw a large number of power sites immediately, and many more can be withdrawn in the near future, by reason of the fact that partial information is now available and can soon be made practically complete. It is believed by many that the protection and proper administration of the great water-power sites of the public domain constitute one of the most important projects of the present administration. The people are becoming each day more dependent, for their industrial productivity as well as for their comfort and happiness, on the energy available for development and partly developed in our streams. The circumstances present in a clear fashion one convincing line of evidence as to the necessity for carrying this work forward to a purposeful finish.

1180

UNITED STATES SENATE,  
Washington, D. C., May 11, 1909.

HON. RICHARD A. BALLINGER,  
*Secretary of the Interior.*

DEAR MR. SECRETARY: I desire certain information respecting public land withdrawn from entry and sale for irrigation purposes and water-power sites. Some of this land was withdrawn under the act of 1902, the reclamation act, and are known as "first-form withdrawals," being withdrawn for reclamation purposes. Other lands were withdrawn wholly or partly because of power-site possibilities and to await legislation upon that subject. These withdrawals were all made, I believe, during the administration of your predecessor in office.

Will you kindly advise me at your earliest convenience:

1. What first-form withdrawals were made?
2. Which of these have been restored during your administration?
3. What power-site withdrawals were made?
4. Which of these have been restored during your administration?
5. Was the reclamation withdrawal in the Deschutes River Valley restored?
6. What form of words were used in approving the railroad rights of way in the Deschutes River Valley?

Early and full information on the above will be very much appreciated. Thanking you for your courtesy, I remain,

Yours, sincerely,

ROBERT M. LA FOLLETTE.

HON. ROBERT M. LA FOLLETTE,  
United States Senate.

DEAR SENATOR: Replying to your letter of May 11, 1909, I have to advise you that the report of the Director of the Reclamation Service, submitted June 30, 1904, was to the effect that about 40,000,000 acres of public lands at that time were included in withdrawals, first and second form, reclamation act, out of which he estimated probably something more than 1,000,000 acres would ultimately be reclaimed. The figure first mentioned is not, however, absolutely accurate, inasmuch as the withdrawals were made by townships, many of which contained areas of lands at that time in private ownership. Since that date it appears no table of areas withdrawn had been prepared, and I would not be able to give you the total areas withdrawn under the reclamation act prior to March 4, 1909, and the restorations made up to that time without compilation of figures by the General Land Office and the Reclamation Service, which would occupy a considerable time. The bureaus in question have, however, been called upon to furnish this information and as soon as received I will take pleasure in transmitting same to you.

With reference to the other withdrawals to which your letter relates I have to advise that, under dates of January 17 and 18 and February 16, 17, and 27, 1909, the Secretary of the Interior, upon recommendation of the Director of the Reclamation Service, withdrew, "with a view to the conservation of the water resources," in order that the lands might be held "available for the benefit of the public in connection with future development," an area of about 650,000 acres of lands in 1181 the States of Montana, Utah, Oregon, and Idaho. Under dates of March 30 and April 7 and 10, 1909, I restored to the public domain the lands in the States of Montana, Oregon, and Idaho upon the recommendation of the Director of the Reclamation Service, he advising that the information in his possession would not warrant the further reservation of the lands, his bureau not being in possession of the funds with which to make the necessary investigations.

March 2, 1909, the Secretary of the Interior withdrew, "under the general supervisory authority of the Executive," 496 tracts of land in national forests in the States of Wyoming, Montana, Colorado, California, Idaho, Oregon, Oklahoma, Washington, and Utah, and the Territories of New Mexico and Arizona, considered more valuable for reservoir and power sites than for other disposal under the public-land laws, "to make certain that these lands shall not be acquired wrongfully under other laws than the right-of-way acts, \* \* \* and also to give Congress opportunity to so amend or modify the public-land laws that these particular lands may be devoted to their best use." These tracts vary in size from 40 to 320 acres and contain an estimated total area of about 40,000 acres. They have not been restored to the public domain, as I have deemed it advisable not to disturb existing conditions until the matter can be considered by Congress.

Although not directly covered by your inquiry, I desire further to state, for your information in connection with the matter of power sites, that the Geological Survey has on hand considerable accurate data and has an appropriation available for investigation of the subject, and on April 23, 1909, I directed that bureau to submit information relative thereto. As a result a number of temporary withdrawals have been made, or will be made in the near future, of small tracts of public land containing valuable sites, my purpose being to submit to Congress at its next session report and recommendation upon the subject for such action, if any, which that body may deem proper.

The lands withdrawn in the Deschutes River Valley under the provisions of the reclamation act have not been restored. The application for rights of way filed by the Oregon Trunk Line (Incorporated) and the Deschutes Railroad Company have not been approved. The said companies have, however, filed in this department the stipulation required by the Reclamation Service to the effect that their tracks, if constructed, will be placed not less than 100 feet above the water line of the river. The Deschutes Power and Development Company filed protest against approval of the railroad's right-of-way applications, but the protest has been dismissed.

Very respectfully,

R. A. BALLINGER, *Secretary.*

1172

LAW OFFICE OF EVERETT W. PATTISON,  
Rialto Building, St. Louis, May 14, 1909.

To the PRESIDENT.

SIR: I trust I am not guilty of an impropriety in expressing regret at the apparent inclination of your Secretary of the Interior to undo some of the excellent work of your predecessor. After considerable hesitation I have concluded to write you on the subject, because of my belief that there is no little uneasiness in the minds of many of your well-wishers in this part of the country by reason of what the Secretary has done. I refer especially to his order of last month throwing open to entry lands which your predecessor had withdrawn because of the water rights connected with them.

Very respectfully,

EVERETT W. PATTISON.

1172

DEPARTMENT OF THE INTERIOR,  
Washington, May 18, 1909.

MY DEAR MR. PRESIDENT: I herewith transmit to you a copy of my letter to Mr. Pattison, which I have written him in response to your request.

Very respectfully,

R. A. BALLINGER, *Secretary*.

Hon. WM. H. TAFT.

1172

DEPARTMENT OF THE INTERIOR,  
Washington, May 18, 1909.

MY DEAR MR. PATTISON: Your letter of the 14th instant, addressed to the President, has been referred to me.

Your opinion respecting the throwing open to entry of lands to the disadvantage of the conservation of water-power sites has been based upon misinformation. I am thoroughly in accord with the purpose of conserving and disposing of, through new legislation, such available water-power sites as are still under the control of the Government, and in order to secure the necessary information to enable the President to present the matter intelligently to Congress at its next session, I have directed the Geological Survey to make careful investigation and furnish me data, as is shown in the order, a copy of which I herewith inclose.

As to restoration affecting water-power sites which have been made by me, they affect certain blanket withdrawals which were made without any previous or detailed knowledge of available water-power sites. They cover a very large area of enterable agricultural lands, and were withdrawn through the Reclamation Service with no funds available for further investigation in that service. This accounts for the restoration and the direction to the Geological Survey, which is equipped with the means of securing the information desired. Pending the acquisition of such information, no patents will be issued or entries accepted which will place the Government at a disadvantage in the disposition of these valuable properties in so far as they exist.

Considerable misinformation has been given out to the effect that the department under my management has made other restorations, which is without any foundation whatever.

I am heartily in accord with the conservation of the public utilities in the West in so far as they can be feasibly conserved and developed along the lines recommended by the last administration. My intimate knowledge of western conditions through many years of residence in different parts of the country, I hope, will enable me to handle these affairs in the interest not only of the West, but for the entire country.

I remain, yours, very respectfully,

R. A. BALLINGER, *Secretary*.

MR. EVERETT W. PATTISON,  
Rialto Building, St. Louis, Mo.

1181

UNITED STATES SENATE,  
Washington, D. C., 22d May, 1909.

Hon. R. A. BALLINGER,  
*Secretary of the Interior, Washington, D. C.*

DEAR MR. SECRETARY: I thank you very much for your letters of the 13th and 18th, respectively, relating to the withdrawal and restoration of lands valuable as power sites. I am greatly obliged to you for the information contained therein, and



beg to ask you whether it is possible, at this time, for you to furnish me with a list of the lands mentioned in the first paragraph of page 2 of your letter of the 13th, amounting to about 650,000 acres in Montana, Utah, Oregon, and Idaho, which were withdrawn on January 17-18 and on February 16, 17, and 27, 1909, "with a view to conservation of the water resources, and in order that the lands might be available for the benefit of the public in connection with future development."

1182 I should like to be informed further whether in view of the fact that water-power sites are now recognized as enormously valuable, and are eagerly sought by private corporations, what, if anything, now prevents these lands from being entered and lost to the public domain. And what, if anything, is being done by your department to prevent such loss. I note with interest your statement that the Geological Survey is engaged in furnishing lists of power sites which are being "temporarily withdrawn" until such time as Congress may see fit to take action for the protection of the public domain against loss. I should be glad to be informed as to what measures, if any, have been taken to prevent the loss of these sites pending investigation by the Geological Survey as to their value and location and while that service is engaged in the work of preparing the lists. Information of an apparently reliable character has been furnished me to the effect that the branch of the Geological Survey having the matter in hand has not sufficient funds to make an adequate investigation of the subject; that in any case such investigation would consume considerable time, and that the appearance in the field of surveyors making the profiles and doing other work necessary in the premises would constitute a signal to those covetous of those sites to go in under the present law and take them up.

Is there any reason why temporary withdrawals of the sort which you inform me have been made, or will be made in the near future, of small tracts of the public lands containing valuable sites, pending action of Congress, may not be made as to all lands along the courses of streams known to be promising water courses for power-site surveys, to the end that restorations to the market may be after the survey's indefinite locations have been made, instead of before?

Very respectfully, yours,

ROBERT M. LA FOLLETTE.

3447

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
*Washington, D. C., May 25, 1909.*

THE DIRECTOR U. S. GEOLOGICAL SURVEY.

DEAR SIR: I am in receipt of your favor of May 21, transmitting copies of letters showing the temporary power-site withdrawals and assume that these have all been approved by the Secretary of the Interior.

I am sending you herewith copies of the power withdrawals that were restored under the orders of the Secretary of the Interior between March 15 and the present date. These copies have been made for your bureau and may be retained in your files.

Yours, truly,

A. P. DAVIS, *Acting Director.*

Inclosure—Copies of power-site withdrawals to Director G. S.

•Transmitted with letter of Reclamation Service May 25, 1909—copy of restoration of power site withdrawal.]

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
OFFICE OF THE DIRECTOR,  
*Washington, D. C., March 19, 1909.*

THE HONORABLE THE SECRETARY OF THE INTERIOR  
(Through the Commissioner of the General Land Office).

SIR: From recent investigations in connection with the Colorado River storage, Utah, the withdrawal of the following-described lands, withdrawn under the first form by departmental order of February 17, 1909, no longer appears necessary to the interests of the project.

It is therefore respectfully recommended that so much of said departmental order as relates to the areas hereafter listed be vacated and that such tracts not otherwise withdrawn, reserved, or appropriated be restored to the public domain and become subject to settlement and entry on such dates and after such notice by publication as the Secretary of the Interior may prescribe.

## COLORADO RIVER STORAGE, UTAH.

## SALT LAKE PRINCIPAL MERIDIAN.

*Green River.*

T. 20 S., R. 16 E., all lands within one mile on either side of Green River.

T. 21 S., R. 16 E., all lands within one mile on either side of Green River.

T. 22 S., R. 16 E., all lands within one mile on either side of Green River.

Very respectfully,

\_\_\_\_\_, *Director.*

Approved Mar. 20, 1909, and referred to the General Land Office for action as recommended.

R. A. BALLINGER.

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
OFFICE OF THE DIRECTOR,  
Washington, D. C., March 27, 1909.

The honorable the SECRETARY OF THE INTERIOR  
(Through the Commissioner of the General Land Office).

SIR: From recent investigations in connection with the Yellowstone project, Montana, the withdrawal of the following-described lands, withdrawn under the first form by departmental order of December 29, 1908, no longer appears necessary to the interests of the project.

It is therefore respectfully recommended that so much of said departmental order as relates to the areas hereafter listed be vacated and that such tracts not otherwise withdrawn, reserved, or appropriated be restored to the public domain.

3448

YELLOWSTONE PROJECT, MONTANA.

MONTANA PRINCIPAL MERIDIAN.

T. 1 N., R. 14 E., all secs. 8 to 20, incl., and sec. 30.

T. 1 N., R. 15 E., all secs. 7, 8, 15 to 18, 21 to 27, and 34 to 36, incl.

T. 1 N., R. 16 E., all secs. 29 to 32, incl.

Inasmuch as these lands are included in segregation list No. 9 by the State of Montana, it is further recommended that the usual notice by publication limiting the time for settlement and entry be waived.

Very respectfully,

\_\_\_\_\_, *Director.*

Approved Mar. 27, 1909, and referred to the General Land Office for action as recommended.

\_\_\_\_\_, *Secretary.*

MARCH 30, 1909.

The honorable the SECRETARY OF THE INTERIOR  
(Through the Commissioner of the General Land Office).

SIR: From recent investigations in connection with power sites, the withdrawal of the following-described lands, withdrawn under the supervisory power of the Secretary February 17, 1909, no longer appears necessary to the interests of the United States.

It is therefore respectfully recommended that so much of said departmental order as relates to the areas hereafter listed be vacated and that such tracts not otherwise withdrawn, reserved, or appropriated be restored to the public domain.

As this withdrawal has been of such short duration and has probably not come to general public notice, it is further recommended that the usual notice by publication limiting the time for settlement and entry be waived.

## SALMON RIVER, IDAHO.

## BOISE MERIDIAN.

- T. 24 N., R. 1 E., all secs. 1 to 3, 10 to 15, and 22 to 24, incl.  
 T. 25 N., R. 1 E., all secs. 1 to 5, 8 to 17, 20 to 29, and 32 to 36, incl.  
 T. 26 N., R. 1 E., all secs. 1 to 3, 10 to 15, 22 to 28, and 33 to 36, incl.  
 T. 27 N., R. 1 E., all secs. 2, 3, 10, 11, 13 to 15, 22 to 27, and 34 to 36, incl.  
 T. 28 N., R. 1 E., all secs. 2 to 4, 9 to 11, 14 to 16, 21 to 23, 26 to 28, and 33 to 35, incl.  
 T. 29 N., R. 1 E., all secs. 2 to 11, incl., 14, 15, 22, 23, 26, 27, 34, and 35.  
 T. 30 N., R. 1 E., all secs. 28 to 33, incl.  
 T. 23 N., R. 2 E., all secs. 1 to 4, incl. (unsurveyed).  
 T. 24 N., R. 2 E., all of township lying south of Salmon River (unsurveyed).  
 T. 24 N., R. 3 E., all of township lying south of Salmon River (unsurveyed).  
 T. 23 N., R. 3 E., all secs. 1 to 12, incl., lying south of Salmon River (unsurveyed).  
 T. 24 N., R. 4 E., all of township lying south of Salmon River (unsurveyed).  
 T. 24 N., R. 5 E., all secs. 1 to 12, incl., and sec. 18 lying south of Salmon River (unsurveyed).  
 T. 24 N., R. 6 E., all secs. 1 to 9, incl., lying south of Salmon River (unsurveyed).  
 T. 25 N., R. 6 E., all of township lying south of Salmon River (unsurveyed).  
 T. 16 N., R. 20 E., all secs. 1, 2, 11, 12, 13 to 16, 21 to 28, and 33 to 36, incl. (unsurveyed).  
 T. 17 N., R. 20 E., all secs. 1 to 3, 10 to 15, 22 to 26, and 35 to 36, incl. (unsurveyed).  
 T. 18 N., R. 20 E., all sec. 36 (unsurveyed).  
 T. 16 N., R. 21 E., all secs. 4 to 9, 16 to 21, and 28 to 33, incl. (unsurveyed).  
 T. 17 N., R. 21 E., all secs. 3 to 9, 16 to 21, and 28 to 33, incl. (unsurveyed).  
 T. 18 N., R. 21 E., all secs. 2 to 11, 15 to 22, and 27 to 34, incl. (unsurveyed).  
 T. 19 N., R. 21 E., all secs. 1 to 4, 9 to 16, 20 to 29, and 32 to 35, incl. (unsurveyed).  
 T. 20 N., R. 21 E., all secs. 1 to 3, 10 to 15, 22 to 27, and 34 to 36, incl. (unsurveyed).  
 T. 23 N., R. 21 E., all secs. 1, 2, 3, and 12 lying north of Salmon River (unsurveyed).  
 T. 20 N., R. 22 E., all secs. 5, 6, 7, 8, 17, and 18.  
 T. 21 N., R. 22 E., all secs. 4 to 9, 16 to 21, and 28 to 33, incl.  
 T. 22 N., R. 22 E., all secs. 4 to 9, 16 to 21, and 28 to 33, incl.  
 T. 23 N., R. 22 E., all secs. 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32.  
 3449 T. 30 N., R. 1 W., all secs. 2 to 11, incl., 14 to 16, 22 to 27, and 34 to 36, incl. (unsurveyed).  
 T. 30 N., R. 2 W., all secs. 1, 2, 3, 10, 11, and 12 (unsurveyed).  
 T. 31 N., R. 2 W., all secs. 7, 8, 9, 16 to 21, and 26 to 35, incl. (partly unsurveyed).  
 T. 29 N., R. 3 W., all secs. 4 to 9 and 16 to 18, incl. (unsurveyed).  
 T. 30 N., R. 3 W., all secs. 4 to 9, 16 to 21, and 28 to 33, incl. (unsurveyed).  
 T. 31 N., R. 3 W., all secs. 10 to 15 and 19 to 36, incl. (unsurveyed).  
 T. 29 N., R. 4 W., all fractional township (unsurveyed) east of Snake River.  
 T. 30 N., R. 4 W., all secs. 11 to 14, 23 to 26, incl., and 35 to 36 (unsurveyed).

Very respectfully,

A. P. DAVIS, *Acting Director*.

Approved March 30, 1909, and referred to the General Land Office for action, as recommended.

R. A. BALLINGER, *Secretary*.

DEPARTMENT OF THE INTERIOR,  
 UNITED STATES RECLAMATION SERVICE,  
 OFFICE OF THE DIRECTOR,  
 Washington, D. C., April 5, 1909.

The honorable, the SECRETARY OF THE INTERIOR  
 (Through the Commissioner of the General Land Office).

SIR: From recent investigations in connection with the Colorado River storage project, Wyoming, the withdrawal of the following-described lands, withdrawn under the first form by departmental order of January 2, 1909, no longer appears necessary to the interests of the project.

It is therefore respectfully recommended that so much of said departmental order as relates to the areas hereafter listed be vacated, and that such tracts not otherwise withdrawn, reserved, or appropriated be restored to the public domain.

## COLORADO RIVER STORAGE, WYOMING.

## SIXTH PRINCIPAL MERIDIAN.

- T. 16 N., R. 106 W., all secs. 5, 6, 7, 8, 17, 18, 19, and 20.  
 T. 17 N., R. 106 W., all secs. 4 to 9, 16 to 20, and 29 to 32, incl.  
 T. 18 N., R. 106 W., all sec. 31.  
 T. 16 N., R. 107 W., all secs. 1, 2, 3, 10 to 14, 23 to 35, incl.  
 T. 17 N., R. 107 W., all secs. 1, 12, 13, 24, 25, 26, 35, and 36.  
 T. 18 N., R. 107 W., all secs. 4 to 10, incl., 15, 16, 21 to 27, incl., and 35 and 36.  
 T. 19 N., R. 107 W., all secs. 30 and 31.  
 T. 12 N., R. 108 W., all secs. 2, 3, 10, 11, 14, 15, 16, lots 1, 2, 3, 4, and N.  $\frac{1}{2}$  sec. 20, lots 1, 2, 3, and 4, and N.  $\frac{1}{2}$  sec. 21, lots 1, 2, 3, and 4, and N.  $\frac{1}{2}$  sec. 22.  
 T. 13 N., R. 108 W., all secs. 1, 2, 11 to 14, 23 to 26, incl., 35 and 36. (Sec. 34 withdrawn Jan. 2, 1909, not restored.)  
 T. 14 N., R. 108 W., all secs. 1 to 5, 8 to 14, 23 to 26, incl., and 35 and 36.  
 T. 15 N., R. 108 W., all secs. 1, 12, 13, 22, 23, 24, 26, 27, 28, 33, 34.  
 T. 16 N., R. 108 W., all sec. 36.  
 T. 18 N., R. 108 W., all sec. 1.  
 T. 19 N., R. 108 W., all secs. 3 to 10, 14 to 18, 21 to 27, incl., and 35 and 36.  
 T. 20 N., R. 108 W., all secs. 30 and 31.  
 T. 19 N., R. 109 W., all secs. 1 and 12.  
 T. 20 N., R. 109 W., all secs. 3, 4, 5, 8, 9, 10, 13, 14, 15, 16, 17, 21 to 26, incl., and 36.  
 T. 21 N., R. 109 W., all secs. 4, 5, 6, 7, 8, 9, 14, 15, 16, 17, 18, 20 to 27, incl., and 34 to 36, incl.  
 T. 22 N., R. 109 W., all secs. 6 to 9, 16 to 21, and 28 to 33, incl.  
 T. 30 N., R. 109 W., all secs. 4 to 9, incl.  
 T. 22 N., R. 110 W., all secs. 1, 2, 3, and 10 to 13, incl.  
 T. 23 N., R. 110 W., all secs. 27 to 35, incl.  
 T. 29 N., R. 110 W., all sec. 6.  
 T. 30 N., R. 110 W., all secs. 1 to 4, 9 to 23, and 26 to 33, incl.  
 T. 31 N., R. 110 W., all secs. 4, 5, 8, 9, 15, 16, 17, 20, 21, 22, 27, 28, 33, and 34.  
 T. 32 N., R. 110 W., all secs. 4, 5, 8, 9, 16, 17, 20, 21, 28, 29, 32, and 33.  
 T. 33 N., R. 110 W., all secs. 3, 4, 5, 6, 9, 10, 11, 14, 15, 16, 21, 22, 23, 26, 27, 28, 33, 34, and 35.  
 3450 T. 34 N., R. 110 W., all secs. 28 to 34, incl.  
 T. 37 N., R. 110 W., all secs. 1, 2, 11, 12, 13, 14, 15, 21 to 29, and 32 to 34, incl.  
 T. 23 N., R. 111 W., all secs. 5, 6, 7 to 11, 13 to 18, and 21 to 26, incl., and 35 and 36.  
 T. 24 N., R. 111 W., all secs. 19, 20, 29, 30, 31, and 32.  
 T. 28 N., R. 111 W., all secs. 6, 7, and 18.  
 T. 29 N., R. 111 W., all secs. 1 to 5, 8 to 12, 15, 16, 17, 20, 21, 22, 27, 28, 29, 32, 33, and 34.  
 T. 30 N., R. 111 W., all sec. 36.  
 T. 33 N., R. 111 W., all secs. 1, 2, 3.  
 T. 34 N., R. 111 W., all secs. 5 to 8, 17 to 22, 25 to 29, and 33 to 36, incl.  
 T. 35 N., R. 111 W., all secs. 3, 4, 8, 9, 10, 16, 17, 20, 21, 28, 29, 31, 32, and 33.  
 T. 36 N., R. 111 W., all secs. 1, 2, 3, 11, 12, 14, 15, 22, 23, 26, 27, 33, 34, and 35.  
 T. 24 N., R. 112 W., all secs. 3, 4, 5, 8 to 17, 21 to 25, incl., and 36.  
 T. 25 N., R. 112 W., all secs. 4 to 9, 16 to 23, and 26 to 30, incl., and 34 and 35.  
 T. 27 N., R. 112 W., all secs. 2, 3, 4, 9, 10, 11, 15, 16, 17, 19, 20, 21, 22, and 28 to 32, incl.  
 T. 26 N., R. 112 W., all secs. 5 to 9, 16 to 18, incl., 21, 22, 28, 29, 32, and 33.  
 T. 28 N., R. 112 W., all secs. 1, 2, 11, to 14, and 23 to 27, incl., all secs. 34, 35, and 36.  
 As this withdrawal has been of such short duration and has probably not come to general public notice, it is further recommended that the usual notice by publication limiting the time for settlement and entry be waived.

Very respectfully,

A. P. DAVIS, *Acting Director.*

Approved April 6, 1909, and referred to the General Land Office for action, as recommended.

\_\_\_\_\_, *Secretary.*

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
OFFICE OF THE DIRECTOR,  
Washington, D. C., April 5, 1909.

The honorable the SECRETARY OF THE INTERIOR  
(Through the Commissioner of the General Land Office).

SIR: From recent investigations in connection with the Yellowstone project, Wyoming, the withdrawal of the following described lands, withdrawn under the first form by departmental order of December 31, 1908, no longer appears necessary to the interests of the project.

It is therefore respectfully recommended that so much of said departmental order as relates to the areas hereafter listed be vacated and that such tracts not otherwise withdrawn, reserved, or appropriated be restored to the public domain.

YELLOWSTONE PROJECT, WYOMING.

WIND RIVER MERIDIAN.

*Big Horn River.*

- T. 2 N., R. 6 E., all fractional township.
- T. 3 N., R. 6 E., all fractional township.
- T. 4 N., R. 6 E., all fractional township.
- T. 5 N., R. 6 E., all fractional township.
- T. 6 N., R. 6 E., all fractional township.
- T. 7 N., R. 6 E., all fractional township.
- T. 1 N., R. 5 E., all secs. 4, 5, 6, 7, 8, 9, 17, 18, 19, 30, and 31.
- T. 2 N., R. 5 E., all secs. 19 to 36, incl.
- T. 1 N., R. 4 E., all secs. 24, 25, and 31 to 36, incl.
- T. 1 S., R. 4 E., all lots 1, 2, 3, 4, 5, 6, and 7, S.  $\frac{1}{4}$  NE.  $\frac{1}{4}$ , SE.  $\frac{1}{4}$  and E.  $\frac{1}{4}$  SW.  $\frac{1}{4}$  sec. 1; lots 1, 2, 3, and 4, sec. 2; and lots 1, 2, 3, and 4, sec. 3.

SIXTH PRINCIPAL MERIDIAN.

- T. 47 N., R. 92 W., all secs. 5, 6, 7, and 8.
- T. 48 N., R. 92 W., all secs. 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32.
- T. 49 N., R. 92 W., all secs. 4, 5, 6, 7, 8, 9, 16, 17, 18, 20, 21, 28, 29, 32, and 33.
- 3451 T. 50 N., R. 92 W., all secs. 19, 20, 29, 30, 31, and 32.
- T. 45 N., R. 93 W., all secs. 5 and 6.
- T. 46 N., R. 93 W., all secs. 2, 3, 9, 10, 11, 14, 15, 16, 17, 19 to 22, and 27 to 32, incl.
- T. 47 N., R. 93 W., all secs. 1, 12, 13, 14, 15, 22 to 27, and 34 to 36, incl.
- T. 50 N., R. 93 W., all secs. 1, 2, 3, 10 to 15, 23 to 26, incl., 35, and 36.
- T. 51 N., R. 93 W., all secs. 3, 4, 5, 8, 9, 10, 15, 16, 17, 20, 21, 22, 23, 26, 27, 28, 33, 34, and 35.
- T. 52 N., R. 93 W., all secs. 5 to 8, 17 to 22, and 27 to 34, incl.
- T. 53 N., R. 93 W., all secs. 7, 16, 17, 18, 19, 20, 21, 28, 29, 30, 32, and 33.
- T. 42 N., R. 94 W., all secs. 18, 19, N.  $\frac{1}{4}$  NE.  $\frac{1}{4}$ , NE.  $\frac{1}{4}$  NE.  $\frac{1}{4}$ , and lots 1 to 5, incl., sec. 30.
- T. 43 N., R. 94 W., all secs. 4 to 9, 16 to 21, and 29 to 32, incl.
- T. 44 N., R. 94 W., all secs. 4 to 9, 16 to 21, 28 to 33, incl.
- T. 45 N., R. 94 W., all secs. 1, 2, 3, 10, 11, 12, 15 to 22, and 28 to 31, incl.
- T. 53 N., R. 94 W., all secs. 1, 2, 3, 10, 11, 12, 13, and 14.
- T. 54 N., R. 94 W., all secs. 2, 3, 10, 11, 14, 15, 22 to 27, and 34 to 36, incl.
- T. 55 N., R. 94 W., all secs. 3, 4, 5, 8, 9, 10, 15, 16, 17, 20, 21, 22, 26, 27, 28, 33, 34, and 35.
- T. 56 N., R. 94 W., all secs. 4, 5, 8, 9, 16, 17, 20, 21, 22, 27, 28, 29, 32, 33, and 34.
- T. 57 N., R. 94 W., all secs. 5 to 9, incl., 15, 16, 17, 20, 21, 22, 27, 28, 33, and 34.
- T. 58 N., R. 94 W., all secs. 18, 19, 30, and 31.
- T. 42 N., R. 95 W., all secs. 1, 2, 11, 12, 13, 14, 23, 24, lots 1 to 7 incl., N.  $\frac{1}{4}$  NE.  $\frac{1}{4}$  and NE.  $\frac{1}{4}$  NW.  $\frac{1}{4}$  sec. 25, and lots 1 to 5 incl., NW.  $\frac{1}{4}$  NE.  $\frac{1}{4}$  and N.  $\frac{1}{4}$  NW.  $\frac{1}{4}$  sec. 26.
- T. 43 N., R. 95 W., all secs. 24, 25, and 36.
- T. 45 N., R. 95 W., all sec. 36.

As this withdrawal has been of such short duration and has probably not come to general public notice, it is further recommended that the usual notice by publication limiting the time for settlement and entry be waived.

Very respectfully,

A. P. DAVIS, *Acting Director.*

Approved April 6, 1909, and referred to the General Land Office for action as recommended.

\_\_\_\_\_,  
*Secretary.*

MAY 3, 1909.

The honorable the SECRETARY OF THE INTERIOR.

SIR: As a clerical error appears in the recommendation of April 5, 1909, approved by the department on April 6, 1909, for the restoration to the public domain of certain lands in Wyoming withdrawn under the Yellowstone project, it is respectfully recommended that said order of April 6, 1909, be amended to read in part as follows:

T. 42 N., R. 94 W., all secs. 18, 19; N.  $\frac{1}{2}$  NE.  $\frac{1}{4}$ , NE.  $\frac{1}{4}$  NW.  $\frac{1}{4}$  and lots 1 to 5, incl., sec. 30.

Very respectfully,

A. P. DAVIS, *Acting Director.*

Approved May 3, 1909, and referred to the General Land Office for action as recommended.

R. A. BALLINGER, *Secretary.*

APRIL 8, 1909.

The Hon. the SECRETARY OF THE INTERIOR

(Through the Commissioner of the General Land Office).

SIR: From recent investigations in connection with the North Platte project, Nebraska-Wyoming, the withdrawal of the following described lands, withdrawn under the first form by departmental order of December 4, 1908, no longer appears necessary to the interests of the project.

It is therefore respectfully recommended that so much of said departmental order as relates to the areas hereafter listed be vacated and that such tracts not otherwise withdrawn, reserved, or appropriated be restored to the public domain.

#### NORTH PLATTE PROJECT, NEBRASKA-WYOMING.

##### SIXTH PRINCIPAL MERIDIAN.

##### Wyoming.

T. 14 N., R. 82 W., all secs. 1 and 12.

T. 15 N., R. 82 W., all secs. 7, 13 to 27, incl., 35 and 36.

T. 15 N., R. 83 W., all secs. 1, 2, 3, 10 to 14, incl.

3452 T. 16 N., R. 83 W., all secs. 3, 4, 9, 10, 15, 16, 21, 22, 27, 28, 33, 34, and 35.

T. 17 N., R. 83 W., all secs. 18 to 21, incl., 28 to 33, incl.

T. 17 N., R. 84 W., all secs. 1, 2, 11, 12, 13, 14, 23, and 24.

T. 18 N., R. 84 W., all secs. 6, 7, 8, 17 to 21, incl., 26 to 30, incl., 34 and 35.

T. 19 N., R. 84 W., all sec. 6.

T. 20 N., R. 84 W., all secs. 17 to 20, 29 to 32, incl.

T. 22 N., R. 84 W., all secs. 4, 5, and 6.

T. 23 N., R. 84 W., all secs. 2, 3, 10, 11, 14, 15, 22, 23, 26 to 35, incl.

T. 24 N., R. 84 W., all secs. 1 to 4, 9 to 16, 21 to 28, 33 to 36, incl.

T. 25 N., R. 84 W., all secs. 3, 4, 9, 10, 15, 16, 21 to 28, 33 to 36, incl.

T. 26 N., R. 84 W., all secs. 21, 22, 27, 28, 33, and 34.

T. 18 N., R. 85 W., all secs. 1 to 4, 9 to 12, incl.

T. 19 N., R. 85 W., all secs. 1, 2, 3, 10 to 15, 19 to 23, 26 to 35, incl.

T. 20 N., R. 85 W., all secs. 2, 3, 10, 11, 12, 13, 24, 25, 35, and 36.

T. 21 N., R. 85 W., all secs. 4, 5, 6, 8, 9, 10, 13, 14, 15, 16, 23, 24, 25, 26, 35, and 36.

T. 22 N., R. 85 W., all secs. 1, 2, 3, 7 to 12, 16, 17, 18, 30, and 31.

T. 21 N., R. 86 W., all sec. 1.

T. 22 N., R. 86 W., all secs. 11, 12, 13, 14, 23, 24, 25, and 36.

As this withdrawal has been of such short duration and has probably not come to general public notice, it is further recommended that the usual notice by publication, limiting the time for settlement and entry, be waived.

Very respectfully,

\_\_\_\_\_,  
Acting Director.

Approved April 6, 1909, and referred to the General Land Office for action as recommended.

\_\_\_\_\_,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
OFFICE OF THE DIRECTOR,  
Washington, D. C., April 7, 1909.

The honorable THE SECRETARY OF THE INTERIOR  
(Through the Commissioner of the General Land Office).

SIR: From recent investigations in connection with the Yellowstone project, Montana, the withdrawal of the following-described lands, withdrawn under the first form by departmental order of December 29, 1908, no longer appears necessary to the interests of the project.

It is therefore respectfully recommended that so much of said departmental order as relates to the areas hereafter listed be vacated and that such tracts not otherwise withdrawn, reserved, or appropriated be restored to the public domain.

**YELLOWSTONE PROJECT, MONTANA.**

**MONTANA PRINCIPAL MERIDIAN.**

- T. 6 S., R. 7 E., all secs. 12, 13, 14, 21, 22, 23, 24, 26, 27, 28, 33, 34, and 35.
- T. 7 S., R. 7 E., all secs. 3, 4, 5, 8, 9, 16 to 21 incl., 28, 29, and 30.
- T. 8 S., R. 7 E., all secs. 1, 2, 3, 10, 11, 12, 13, and 24.
- T. 5 S., R. 8 E., all secs. 1, 10 to 15, 22 to 24 incl., 26, 27, 28, 33, 34, and 35.
- T. 6 S., R. 8 E., all secs. 3, 4, 5, 7, 8, 9, 17, and 18.
- T. 8 S., R. 8 E., all secs. 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32.
- T. 9 S., R. 8 E., all secs. 5 to 18 incl.
- T. 2 S., R. 9 E., all secs. 12, 13, 14, 23, 24, 25, 26, 35, and 36.
- T. 3 S., R. 9 E., all secs. 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36.
- T. 4 S., R. 9 E., all secs. 1, 2, 9 to 16 incl., 21, 22, 27, 28, 33, and 34.
- T. 5 S., R. 9 E., all secs. 4 to 9, incl.
- T. 9 S., R. 9 E., all secs. 7, 8, 9, 16, 17, 18.
- T. 1 S., R. 10 E., all secs. 23 to 29 and 32 to 36, incl.
- T. 2 S., R. 10 E., all secs. 4, 5, 7, 8, 17, 18, 19, and 20.
- T. 1 S., R. 11 E., all secs. 19, 20, 21, 22, and 26 to 36, incl.
- T. 2 S., R. 11 E., all secs. 1, 2, 3.
- T. 1 S., R. 12 E., all secs. 10 to 17, 20 to 24, and 27 to 34, incl.
- T. 2 S., R. 12 E., all secs. 4, 5, 6.
- 3453 T. 1 S., R. 13 E., all secs. 1 to 12, incl., and 17 and 18.
- T. 1 S., R. 16 E., all secs. 4, 5, 8, 9, 10, 13, 14, 15, 16, 17, 22, 23, and 24.
- T. 1 S., R. 17 E., all secs. 16 to 22, incl., 25 to 29, and 32 to 36, incl.
- T. 1 S., R. 18 E., all secs. 26 to 35, incl.
- T. 2 S., R. 18 E., all secs. 1, 2, 3, 10, 11, 12.
- T. 1 S., R. 19 E., all secs. 31, 32, 33, and 34.
- T. 2 S., R. 19 E., all secs. 1 to 15 and 23 to 25, incl.
- T. 2 S., R. 20 E., all secs. 14 to 36, incl.
- T. 2 S., R. 21 E., all secs. 28 to 33, incl.
- T. 3 S., R. 21 E., all secs. 1 to 16, incl.
- T. 2 S., R. 22 E., all secs. 25 to 27 and 32 to 36, incl.
- T. 7 S., R. 22 E., all secs. 23, 24, 25, 26, 35, and 36.
- T. 8 S., R. 22 E., all secs. 1, 2, 3, 10 to 15, 22 to 27, and 34 to 36, incl.
- T. 9 S., R. 22 E., all secs. 3, 4, 5, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33.
- T. 10 S., R. 22 E., all fractional sections 5 and 6.
- T. 2 S., R. 23 E., all secs. 31 to 36, incl.
- T. 3 S., R. 23 E., all secs. 1, 2, 3, 4, 5, 6, 12, 13, 24, 25, 36.
- T. 4 S., R. 23 E., all secs. 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36.

T. 5 S., R. 23 E., all secs. 2, 3, 4, 5, 8, 9, 10, 16, 17, 20, 21, 28, 29, 32, and 33.

T. 6 S., R. 23 E., all secs. 2, 3, 9, 10, 15, 16, 21, 22, 27, 28, 33, and 34.

T. 7 S., R. 23 E., all secs. 4, 5, 7, 8, 9, 17, 18, 19, and 30.

T. 2 S., R. 24 E., all secs. 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 26 to 35, incl.

T. 3 S., R. 24 E., all secs. 4, 5, 6, 7, 8, 17, 18, 19, 30, and 31.

T. 1 S., R. 25 E., all secs. 25, 26, 27, 28, 33, 34, 35, and 36.

T. 2 S., R. 25 E., all secs. 3 to 9 incl., 17 and 18.

T. 1 S., R. 26 E., all secs. 2, 3, 8, 9, 10, 11, 14 to 21 incl., 29 and 30.

T. 1 N., R. 13 E., all secs. 24, 25, 26, 35, and 36.

T. 1 N., R. 14 E., all secs. 8 to 20 incl., and 30.

T. 1 N., R. 15 E., all secs. 7, 8, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, 27, 34, 35, 36.

T. 1 N., R. 16 E., all secs. 29 to 32 incl.

As the withdrawal has been of such short duration and has probably not come to general public notice, it is further recommended that the usual notice by publication limiting the time for settlement and entry be waived.

Very respectfully,

\_\_\_\_\_  
Acting Director.

Approved April 7, 1909, and referred to the General Land Office for action as recommended.

\_\_\_\_\_  
Secretary.

APRIL 7, 1909.

The honorable the SECRETARY OF THE INTERIOR  
(Through the Commissioner of the General Land Office).

SIR: From recent investigations in connection with the Swan River, Montana, the withdrawal of the following described lands, withdrawn under the supervisory authority of the Secretary of the Interior, under date of February 18, 1909, no longer appears necessary to the interests of the United States.

It is therefore respectfully recommended that so much of said departmental order as relates to the areas hereafter listed be vacated and that such tracts not otherwise withdrawn, reserved, or appropriated be restored to the public domain.

#### SWAN RIVER, MONTANA.

#### MONTANA PRINCIPAL MERIDIAN.

T. 26 N., R. 18 W., all secs. 6, 7, 18, 19, and 20.

T. 26 N., R. 19 W., all secs. 1, 2, 3, 10, 11, 12, 13, 14, 15, 23, and 24.

T. 27 N., R. 19 W., all secs. 15, 16, 21, 22, 23, 26, 27, 28, and 31 to 36, inclusive.

As this withdrawal has been of such short duration and has probably not come to general public notice, it is further recommended that the usual notice by publication limiting the time for settlement and entry be waived.

Very respectfully,

\_\_\_\_\_  
Acting Director.

Approved April 7, 1909, and referred to the General Land Office for action as recommended.

\_\_\_\_\_  
R. A. BALLINGER, Secretary.

3454

APRIL 7, 1909.

The honorable the SECRETARY OF THE INTERIOR  
(Through the Commissioner of the General Land Office).

SIR: From recent investigations in connection with the Missouri River, Mont., the withdrawal of the following described lands, withdrawn under the supervisory authority of the Secretary of the Interior under date of January 18, 1909, no longer appears necessary to the interests of the United States.

It is therefore respectfully recommended that so much of said departmental order as relates to the areas hereafter listed be vacated and that such tracts not otherwise withdrawn, reserved, or appropriated be restored to the public domain.



## MONTANA.

## MISSOURI RIVER.

*Montana principal meridian.*

- T. 6 N., R. 1 E., all sec. 1.  
 T. 7 N., R. 1 E., all secs. 1, 2, 11 to 14, 23 to 26, incl., 35, and 36.  
 T. 8 N., R. 1 E., all secs. 1, 2, 11 to 14, 23 to 26, incl., 35, and 36.  
 T. 9 N., R. 1 E., all secs. 4 to 10, incl., 13 to 17, incl., 22 to 27, incl., 35, and 36.  
 T. 10 N., R. 1 E., all secs. 29 to 32, incl.  
 T. 18 N., R. 1 E., all secs. 2 to 5, 8, 9, 10, 15 to 20, incl., 29, and 30.  
 T. 19 N., R. 1 E., all secs. 13, 23 to 27 and 34 to 36, incl.  
 T. 2 N., R. 2 E., all secs. 3 to 10 and 15 to 36, incl.  
 T. 3 N., R. 2 E., all secs. 1, 2, 11 to 15, 22 to 27, incl., 34, and 35.  
 T. 4 N., R. 2 E., all secs. 1, 2, 11 to 14, 23 to 26, incl., 35, and 36.  
 T. 5 N., R. 2 E., all secs. 3, 4, 9, 10, 14, 15, 16, 22, 23, 24, 25, 26, 35, and 36.  
 T. 6 N., R. 2 E., all secs. 6, 7, 8, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 32, 33, and 34.  
 T. 7 N., R. 2 E., all secs. 6, 7, 18, 19, 30, and 31.  
 T. 8 N., R. 2 E., all secs. 30 and 31.  
 T. 19 N., R. 2 E., all secs. 1 to 20, incl., and 29 to 31, incl.  
 T. 3 N., R. 3 E., all secs. 6, 7, 18, and 19.  
 T. 4 N., R. 3 E., all secs. 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32 (partly unsurveyed)  
 T. 5 N., R. 3 E., all sec. 31 (unsurveyed).  
 T. 19 N., R. 3 E., all secs. 1 to 18, incl., and 21 to 24, incl.  
 T. 20 N., R. 3 E., all secs. 1 to 3, 10 to 15, 22 to 27, and 31 and 36, incl.  
 T. 19 N., R. 4 E., all secs. 6 and 7.  
 T. 20 N., R. 4 E., all sec. 31.  
 T. 10 N., R. 1 W., all secs. 2 to 6, 10, 11, 13, 14, 15, 22 to 27, and 34 to 36, incl.  
 T. 11 N., R. 1 W., all secs. 30, 31, and 32.  
 T. 17 N., R. 1 W., all secs. 1, 2, 3, 8 to 12, incl., 16 to 21, and 29 to 31, incl.  
 T. 18 N., R. 1 W., all secs. 23, 24, 25, 26, 35, and 36.  
 T. 10 N., R. 2 W., all sec. 1.  
 T. 11 N., R. 2 W., all secs. 4, 5, 8 to 17, 23 to 26, incl., 35, and 36.  
 T. 12 N., R. 2 W., all sec. 31, all secs. 19, 30, and 32 west of Missouri River (unsurveyed).  
 T. 13 N., R. 2 W., all secs. 6 and 7 and 19, 30, and 31 west of Missouri River (unsurveyed).  
 T. 16 N., R. 2 W., all secs. 1, 2, 3, 9, 10, 11, 14 to 22, incl., 28, 29, and 30 (partly unsurveyed).  
 T. 17 N., R. 2 W., all secs. 25 and 26 and 35 and 36.  
 T. 12 N., R. 3 W., all secs. 13 and 14 west of Missouri River, and all secs. 2, 3, 10, and 11.  
 T. 13 N., R. 3 W., all secs. 1, 2, 11, 12, 13, 14, 23, and 24, 25, 26, 35, and 36.  
 T. 14 N., R. 3 W., all secs. 3, 4, 5, 8, 9, 10, 11, 13, 14, 15, 16, 22, 23, 26, 27, 34, and 35.  
 T. 15 N., R. 3 W., all secs. 2, 3, 10, 11, 13 to 17, 20 to 22, incl., 27, 28, 29, 32, 33, and 34.  
 T. 16 N., R. 3 W., all secs. 22, 23, 24, 25, 26, 27, 34, 35, and 36.
- As this withdrawal has been of such short duration and has probably not come to general public notice, it is further recommended that the usual notice by publication limiting the time for settlement and entry be waived.
- Very respectfully,

\_\_\_\_\_  
*Acting Director.*

Approved April 7, 1909, and referred to the General Land Office for action as recommended.

\_\_\_\_\_  
 R. A. BALLINGER, *Secretary.*

3455

DEPARTMENT OF THE INTERIOR,  
 UNITED STATES RECLAMATION SERVICE,  
 OFFICE OF THE DIRECTOR,  
 Washington, D. C., April 6, 1909.

The honorable, the SECRETARY OF THE INTERIOR  
 (Through the Commissioner in the General Land Office).

Sir: From recent investigations in connection with the Colorado River Storage, Utah, the withdrawal of the following described lands, withdrawn under the first

form by departmental order of February 16, 1909, no longer appears necessary to the interests of the project.

It is therefore respectfully recommended that so much of said departmental order as relates to the areas hereafter listed be vacated, and that such tracts not otherwise withdrawn, reserved, or appropriated be restored to the public domain.

# COLORADO RIVER STORAGE, UTAH.

## SALT LAKE PRINCIPAL MERIDIAN.

(*Colorado River.*)

All lands within one mile on either side of the Colorado River along its entire course from its junction with the Green and Grand rivers, approximately in T. 30 S., R. 18 E., to the Utah-Arizona state line in T. 44 S., R. 5 E., and flowing through the following unsurveyed townships (approximately):

Ts. 43 and 44 S., R. 5 E.  
Ts. 43 and 44 S., R. 6 E.  
T. 43 S., R. 7 E.  
T. 43 S., R. 8 E.  
Ts. 42 and 43 S., R. 9 E.  
Ts. 40, 41, 42 S., R. 10 E.  
Ts. 37, 38, 39, and 40 S., R. 11 E.  
T. 37 S., R. 12 E.  
Ts. 34, 35, 36, and 37 S., R. 13 E.  
Ts. 34, 35, and 36 S., R. 14 E.  
Ts. 33 and 34 S., R. 15 E.  
Ts. 33 and 34 S., R. 16 E.  
Ts. 31, 32, and 33 S., R. 17 E.  
Ts. 30 and 31 S., R. 18 E.

As this withdrawal has been of such short duration and has probably not come to general public notice, it is further recommended that the usual notice by publication limiting the time for settlement and entry be waived.

Very respectfully,

\_\_\_\_\_  
*Acting Director.*

Approved April 7, 1909, and referred to the General Land Office for action as recommended.

\_\_\_\_\_  
R. A. BALLINGER, *Secretary.*

## DEPARTMENT OF THE INTERIOR, UNITED STATES RECLAMATION SERVICE, OFFICE OF THE DIRECTOR, *Washington, D. C.*

The honorable the SECRETARY OF THE INTERIOR  
(Through the Commissioner of the General Land Office).

SIR: From recent investigations in connection with the Yellowstone project, Montana, the withdrawal of the following-described lands, withdrawn under the first form by departmental order of February 16, 1909, no longer appears necessary to the interests of the project.

It is therefore respectfully recommended that so much of said departmental order as relates to the areas hereafter listed be vacated and that such tracts not otherwise withdrawn, reserved, or appropriated be restored to the public domain.

# 3456 YELLOWSTONE PROJECT, MONTANA.

(BIGHORN RIVER, MONT.)

*Montana principal meridian.*

T. 1 N., R. 33 E., all secs. 1, 2, 3, 10 to 15, 22 to 27, and 34 to 36, incl.  
T. 2 N., R. 33 E., all secs. 1, 2, 11 to 14, 23 to 26, incl., and 35 and 36.  
T. 3 N., R. 33 E., all secs. 25, 26, 35, and 36.  
T. 3 N., R. 34 E., all secs. 4, 5, 8, 9, 16, 17, 19, 20, 21, and 28 to 32, incl.

T. 4 N., R. 34 E., all secs. 2, 3, 4, 9, 10, 11, 14, 15, 16, 20 to 22, 27 to 29, and 32 and 33.  
T. 1 S., R. 33 E., all secs. 1 and 2.

All lands along the west side of the Big Horn River within 1 mile thereof through townships 7, 8, 9, and 10 S., ranges 28 and 29 E., unsurveyed.

As this withdrawal has been of such short duration and has probably not come to general public notice, it is further recommended that the usual notice by publication limiting the time for settlement and entry be waived.

Very respectfully,

\_\_\_\_\_  
*Acting Director.*

Approved April 7, 1909, and referred to the General Land Office for action as recommended.

\_\_\_\_\_  
R. A. BALLINGER, *Secretary.*

APRIL 7, 1909.

The honorable the SECRETARY OF THE INTERIOR  
(Through the Commissioner of the General Land Office).

SIR: From recent investigations in connection with the Flathead River, Montana, the withdrawal of the following-described lands, withdrawn under the supervisory authority of the Secretary of the Interior under date of February 16, 1909, no longer appears necessary to the interests of the United States.

It is therefore respectfully recommended that so much of said departmental order as relates to the areas hereafter listed be vacated and that such tracts not otherwise withdrawn, reserved, or appropriated be restored to the public domain.

#### FLATHEAD RIVER, MONTANA.

#### MONTANA PRINCIPAL MERIDIAN.

T. 30 N., R. 19 W., all secs. 5 and 6, lying north of Flathead River.

T. 31 N., R. 19 W., all secs. 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32, lying west of Flathead River.

T. 26 N., R. 20 W., all secs. 1, 2, 3, 4, and 5.

T. 27 N., R. 20 W., all secs. 3, 4, 5, 9, 10, 11, 14, 15, 16, 21, 22, 23, 25, 26, 27, 28, 33, 34, 35, and 36.

T. 28 N., R. 20 W., all secs. 19 to 22 and 27 to 34, incl.

T. 29 N., R. 20 W., all secs. 6, 7, 18, 19, 30, and 31.

T. 30 N., R. 20 W., all secs. 1, 2, 3, 4, 9, 10, 11, 15 to 21, incl., 30, 31, and 32.

T. 31 N., R. 20 W., all secs. 12 and 13.

T. 28 N., R. 21 W., all secs. 1, 2, 3, 4, 9, 10, 11, 15, 16, 21 to 28, and 33 to 36, incl.

T. 29 N., R. 21 W., all secs. 1, 12, 13, 24, 25, and 36.

T. 30 N., R. 21 W., all secs. 13, 24, 25, and 36.

As this withdrawal has been of such short duration and has probably not come to general public notice, it is further recommended that the usual notice by publication limiting the time for settlement and entry be waived.

Very respectfully,

\_\_\_\_\_  
*Acting Director.*

Approved April 10, 1909, and referred to the General Land Office for action as recommended.

\_\_\_\_\_  
R. A. BALLINGER, *Secretary.*

3457

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
OFFICE OF THE DIRECTOR,  
Washington, D. C., April 9, 1909.

The honorable the SECRETARY OF THE INTERIOR  
(Through the Commissioner of the General Land Office).

SIR: From recent investigations in connection with the Grand Valley project Colorado-Utah, the withdrawal of the following described lands, withdrawn under the first form by departmental order of December 4, 1908, no longer appears necessary to the interests of the project.

It is therefore respectfully recommended that so much of said departmental order as relates to the areas hereafter listed be vacated and that such tracts not otherwise withdrawn, reserved, or appropriated, be restored to the public domain.

## GRAND VALLEY PROJECT, COLORADO-UTAH.

## SALT LAKE PRINCIPAL MERIDIAN.

*Utah.*

All lands within one mile on either side of the Grand River along its entire course from its junction with the Green River, located approximately in T. 30 S., R. 18 E., to the Utah-Colorado state line in T. 19 S., R. 26 E., located approximately through the following townships surveyed and unsurveyed.

Ts. 29 and 30 S., R. 18 E.  
 Ts. 27, 28, 29, 30 S., R. 19 E.  
 Ts. 27, 28 S., R. 20 E.  
 Ts. 25, 26, 27 S., R. 21 E.  
 Ts. 24, 25 S., R. 22 E.  
 Ts. 23, 24 S., R. 23 E.  
 Ts. 23 S., R. 24 E.

As this withdrawal has been of such short duration and has probably not come to general public notice, it is further recommended that the usual notice by publication limiting the time for settlement and entry be waived.

Very respectfully,

A. P. DAVIS, *Acting Director.*

Approved April 10, 1909, and referred to the General Land Office for action as recommended.

R. A. BALLINGER, *Secretary.*

APRIL 8, 1909.

The honorable the SECRETARY OF THE INTERIOR  
 (Through the Commissioner of the General Land Office).

SIR: From recent investigations in connection with the Owyhee River, Oregon, the withdrawal of the following described lands, withdrawn under the supervisory authority of the Secretary of the Interior, under date of January 18, 1909, no longer appears necessary to the interests of the United States.

It is therefore respectfully recommended that so much of said departmental order as relates to the areas hereafter listed be vacated and that such tracts not otherwise withdrawn, reserved, or appropriated be restored to the public domain.

## OREGON.

## OWYHEE RIVER.

*Willamette principal meridian.*

- T. 27 S., R. 41 E., all secs. 23, 24, 25, 26, 35, and 36.  
 T. 28 S., R. 41 E., all secs. 1, 2, 3, 10 to 17, 20 to 24, 27 to 29, and 32 to 34, incl.  
 T. 29 S., R. 41 E., all secs. 4, 5, 8, 9, 16, 17, 20, 21, and 28 to 33, incl.  
 T. 30 S., R. 41 E., all secs. 4, 5, 6, 7, 8, 9, 16 to 21, 28 to 33, incl.  
 T. 31 S., R. 41 E., all.  
 T. 27 S., R. 42 E., all secs. 19 to 36, incl.  
 T. 31 S., R. 42 E., all secs. 4 to 9, 16 to 21, and 28 to 33, incl.  
 3458 T. 32 S., R. 42 E., all (unsurveyed).  
 T. 33 S., R. 42 E., all secs. 1, 2, 3, 10 to 15, incl. (unsurveyed).  
 T. 26 S., R. 43 E., all sections 3, 4, 5, 8 to 17, 19 to 24, and 28 to 33, incl.  
 T. 27 S., R. 43 E., all secs. 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32 (unsurveyed).  
 T. 32 S., R. 43 E., all secs. 29 to 32, incl. (unsurveyed).  
 T. 33 S., R. 43 E., all (unsurveyed).  
 T. 23 S., R. 44 E., all secs. 1, 2, 3, 10 to 15, 22 to 27, and 34 to 36, incl. (unsurveyed).  
 T. 24 S., R. 44 E., all (unsurveyed).  
 T. 25 S., R. 44 E., all secs. 2, 3, 4, 9, 10, 11, 14, 15, 16, 21, 22, 23, 26, 27, 28, 33, 34, and 35 (unsurveyed).  
 T. 26 S., R. 44 E., all secs. 3, 4, 9, 10, and 15 to 18, incl.  
 T. 33 S., R. 44 E., all secs. 19 to 36, incl. (unsurveyed).  
 T. 34 S., R. 44 E., all secs. 1 to 12 incl. (unsurveyed).  
 T. 21 S., R. 45 E., all secs. 1, 2, 3, 10 to 15, and 19 to 36, incl. (unsurveyed).  
 T. 22 S., R. 45 E., all (unsurveyed).

- T. 23 S., R. 45 E., all secs. 4 to 9, 16 to 21, 28 to 33, incl. (unsurveyed).  
 T. 33 S., R. 45 E., all secs. 19, 20, 21, and 28 to 33, incl. (unsurveyed).  
 T. 34 S., R. 45 E., all (unsurveyed).  
 T. 35 S., R. 45 E., all.  
 T. 20 S., R. 46 E., all secs. 25 to 36, incl.  
 T. 21 S., R. 46 E., all secs. 1 to 12, incl., and sec. 18.  
 T. 35 S., R. 46 E., all.  
 T. 20 S., R. 47 E., all secs. 30 and 31.  
 T. 21 S., R. 47 E., all secs. 6 and 7.

As this withdrawal has been of such short duration and has probably not come to general public notice, it is further recommended that the usual notice by publication limiting the time for settlement and entry be waived.

Very respectfully,

A. P. DAVIS, *Acting Director.*

Approved April 10, 1909, and referred to the General Land Office for action as recommended.

R. A. BALLINGER, *Secretary.*

APRIL 7, 1909.

The honorable the SECRETARY OF THE INTERIOR  
 (Through the Commissioner of the General Land Office).

SIR: From recent investigations in connection with the Missouri River, Montana, the withdrawal of the following described lands, withdrawn under the supervisory authority of the Secretary of the Interior, under date of February 16, 1909, no longer appears necessary to the interests of the United States.

It is therefore respectfully recommended that so much of said departmental order as relates to the areas hereafter listed be vacated and that such tracts not otherwise withdrawn, reserved, or appropriated be restored to the public domain.

#### MISSOURI RIVER, MONTANA.

#### MONTANA PRINCIPAL MERIDIAN.

(*Jefferson, Madison, Gallatin, and Beaverhead rivers.*)

- T. 1 N., R. 1 E., all secs. 4, 5, 6, 7, 8, 9, 17, 18.  
 T. 2 N., R. 1 E., all secs. 13, 14, 22 to 29, incl., 32, 33, 34.  
 T. 3 S., R. 1 E., all secs. 2, 3, 4, 9, 10, 11, 15, 16, 21, 22, 27, 28, 33, 34.  
 T. 4 S., R. 1 E., all secs. 4, 5, 8, and 9 not included within Madison National Forest, all secs. 17, 18, 19, 20, 30, and 31.  
 T. 8 S., R. 1 E., all secs. 19, 30, and 31.  
 T. 9 S., R. 1 E., all secs. 6, 7, 18, 19, 30, 31.  
 T. 10 S., R. 1 E., all secs. 5, 6, 7, 8, 16, 17, 18, 20, 21, 27, 28, 29, 33, and 34.  
 T. 1 N., R. 2 E., all secs. 4 to 9, 16 to 21, and 28 to 33, incl.  
 T. 1 S., R. 2 E., all secs. 5, 8, 17, 20, 29, and 32.  
 T. 2 S., R. 2 E., all secs. 5, 8, 17, 20, and 29.  
 T. 2 N., R. 3 E., all secs. 25 to 36, incl.  
 T. 1 N., R. 1 W., all secs. 19, 30, and 31.  
 T. 4 S., R. 1 W., all secs. 25, 26, 35, and 36.  
 3459 T. 5 S., R. 1 W., all secs. 1, 2, 3, 10, 11, 12, 14, 15, 22, 23, 27, 28, 33, and 34.  
 T. 6 S., R. 1 W., all secs. 3, 4, 8, 9, 10, 15, 16, 17, 20, 21, 22, 28 to 33, incl.  
 T. 7 S., R. 1 W., all secs. 4 to 9, 16 to 21, 27 to 29, and 32 to 35, incl.  
 T. 8 S., R. 1 W., all secs. 2, 3, 4, 9 to 15, incl., 22, 23, 24, 25, 26, 35, and 36.  
 T. 1 N., R. 2 W., all secs. 6, 7, 8, 14 to 26, incl., and 35 and 36.  
 T. 1 N., R. 3 W., all secs. 1 to 13, incl., 18, and 24.  
 T. 2 N., R. 3 W., all secs. 31 to 36, incl.  
 T. 1 N., R. 4 W., all secs. 1, 2, 9 to 17, incl., 20, 21, 28, 29, 32, and 33.  
 T. 2 N., R. 4 W., all secs. 35 and 36.  
 T. 1 S., R. 4 W., all secs. 5, 6, 7, 8, and 18.  
 T. 14 S., R. 4 W., all secs. 1 to 12, incl.  
 T. 1 S., R. 5 W., all secs. 1, 10 to 16, incl., 21, 22, 23, and 27 to 34, incl.  
 T. 2 S., R. 5 W., all secs. 5, 6, 7, and 18.  
 T. 14 S., R. 5 W., all secs. 1 to 12, incl.  
 T. 1 S., R. 6 W., all sec. 36.  
 T. 2 S., R. 6 W., all secs. 1, 2, 11, 12, 13, 14, 15, 22 to 27, and 33 to 36, incl.  
 T. 3 S., R. 6 W., all secs. 2, 3, 4, 9, 10, 15, 16, 20, 21, 22, and 27 to 34, incl.

T. 4 S., R. 6 W., all secs. 3, 4, 5, 6, 8, 9, 10, 13 to 17, 20 to 26, incl., 29, 30, 31, 32, 35, and 36.

T. 5 S., R. 6 W., all sec. 6.

T. 13 S., R. 6 W., all secs. 31, 32, and 33.

T. 14 S., R. 6 W., all secs. 1 to 6 and 8 to 16, incl.

T. 4 S., R. 7 W., all sec. 36.

T. 5 S., R. 7 W., all secs. 1, 2, 10 to 15, 19 to 23, and 27 to 32, incl.

T. 13 S., R. 7 W., all secs. 31 to 36, incl.

T. 14 S., R. 7 W., all secs. 1 to 6, incl.

T. 5 S., R. 8 W., all secs. 25 and 36.

T. 6 S., R. 8 W., all secs. 1, 2, 10, 11, 12, 14, 15, 21, 22, 23, 27, 28, 32, 33, and 34.

T. 7 S., R. 8 W., all secs. 4 to 9, incl., 17, 18, 19, and 30.

T. 13 S., R. 8 W., all secs. 19, and 28 to 36, incl.

T. 14 S., R. 8 W., all secs. 1, 2, 3, and 4.

T. 7 S., R. 9 W., all secs. 13, 23 to 27, incl., 34, 35, and 36.

T. 8 S., R. 9 W., all secs. 2, 3, 4, 8, 9, 10, 15 to 21, and 29 to 32, incl.

T. 11 S., R. 9 W., all sec. 31.

T. 12 S., R. 9 W., all secs. 6, 7, 8, 16, 17, 18, 20, 21, 27, 28, 29, 33, and 34.

T. 13 S., R. 9 W., all secs. 3, 4, 9, 10, 11, 13, 14, 15, 16, 22 to 25, incl.

T. 8 S., R. 10 W., all secs. 24, 25, 26, 35, and 36.

T. 9 S., R. 10 W., all secs. 1, 2, 3, 9, 10, 11, 12, 14, 15, 16, 20, 21, 22, 27, 28, 29, 33, and 34.

T. 10 S., R. 10 W., all secs. 5, 6, 7, 8, 16, 17, 18, 20, 21, 22, 27, 28, 29, 33, and 34.

T. 11 S., R. 10 W., all secs. 2, 3, 4, 9, 10, 11, 14, 15, 22, 23, 24, 25, 26, 35, and 36.

T. 12 S., R. 10 W., all sec. 1.

As this withdrawal has been of such short duration and has probably not come to general public notice, it is further recommended that the usual notice by publication limiting the time for settlement and entry be waived.

Very respectfully,

\_\_\_\_\_  
*Acting Director.*

Approved April 10, 1909, and referred to the General Land Office for action as recommended.

\_\_\_\_\_  
R. A. BALLINGER, *Secretary.*

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
OFFICE OF THE DIRECTOR,  
Washington, D. C., April 13, 1909.

The honorable the SECRETARY OF THE INTERIOR  
(Through the Commissioner of the General Land Office).

SIR: From recent investigations in connection with the Colorado River storage, Utah, the withdrawal of the following described lands, withdrawn under the first form by departmental order of February 17, 1909, no longer appears necessary to the interests of the project.

It is therefore respectfully recommended that so much of said departmental order as relates to the areas hereafter listed be vacated and that such tracts not otherwise withdrawn, reserved, or appropriated be restored to the public domain.

3460

COLORADO RIVER STORAGE, UTAH.

SALT LAKE PRINCIPAL MERIDIAN.

(Green River.)

All lands within one mile on either side of the Green River along its entire course, from its junction with the Grand and Colorado rivers, approximately in T. 30 S., R. 18 E., northerly to the township line between townships 10 and 11 S., approximately in R. 18 E., Salt Lake meridian, and flowing through the following surveyed and unsurveyed townships (approximately).

Ts. 18, 19, 23, and 24, R. 16 E.

Ts. 13 to 19 S., incl., and 23 to 30 S., R. 17 E.

Ts. 11 and 12 S., incl., and 25, 26, 29, and 30 S., R. 18 E., T. 11 S., R. 19 E.

Also the following named sections, located approximately in the surveyed and unsurveyed townships, as hereafter described:

T. 10 S., R. 18 E., all of secs. 23 to 27 and 34 to 36, incl. (unsurveyed).

T. 9 S., R. 19 E., all of secs. 1, 12, 13, and 14, 22 to 33, incl. (partly unsurveyed).

T. 10 S., R. 19 E., all of secs. 4 to 8, 17 to 20, incl., and 29 and 30.

T. 7 S., R. 20 E., all of secs. 13, 24, 25, and 36.

T. 8 S., R. 20 E., all of secs. 1, 2, 11 to 14, incl., 22 to 27, and 32 to 36, incl.

T. 9 S., R. 20 E., all of secs. 1 to 6, incl.

T. 7 S., R. 21 E., all of secs. 1 to 9, 16 to 21, and 28 to 33, incl.

T. 8 S., R. 21 E., all of secs. 5 and 6.

As the withdrawal has been of such short duration and has probably not come to general public notice, it is further recommended that the usual notice by publication limiting the time for settlement and entry be waived.

Very respectfully,

A. P. DAVIS, *Acting Director*.

Approved April 15, 1909, and referred to the General Land Office for action as recommended.

R. A. BALLINGER, *Secretary*.

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
OFFICE OF THE DIRECTOR,  
Washington, D. C., April 16, 1909.

The honorable the SECRETARY OF THE INTERIOR  
(Through the Commissioner of the General Land Office).

SIR: From recent investigations in connection with the Yellowstone project, Montana, the withdrawal of the following described lands, withdrawn under the first form by departmental order of February 16, 1909, no longer appears necessary to the interests of the project.

It is therefore respectfully recommended that so much of said departmental order as relates to the areas hereafter listed be vacated and that such tracts not otherwise withdrawn, reserved, or appropriated be restored to the public domain.

YELLOWSTONE PROJECT, MONTANA.

MONTANA PRINCIPAL MERIDIAN.

T. 1 N., R. 26 E., all secs. 13, 14, 22 to 27, incl., 33, 34, 35.

T. 1 N., R. 27 E., all secs. 1 to 9, 17, 18, 19.

T. 2 N., R. 27 E., all secs. 1, 12, 14, 23, 26, 27, 33, and all that part of secs. 13, 24, 25, 34, 35, and 36 lying west of Yellowstone River, and E.  $\frac{1}{4}$  and SW.  $\frac{1}{4}$  sec. 36.

T. 3 N., R. 27 E., all sec. 36.

T. 2 N., R. 28 E., all that part of secs. 5, 6, 7, and 18 lying north and west of Yellowstone River, E.  $\frac{1}{4}$ , E.  $\frac{1}{4}$  SW.  $\frac{1}{4}$  and SW.  $\frac{1}{4}$  SW.  $\frac{1}{4}$  sec. 30.

T. 3 N., R. 28 E., all secs. 13, 14, 21, 22, 23, 29, 30, and 31 and all that part of secs. 24, 26, 27, 28, 32, and 33 lying west of Yellowstone River.

T. 3 N., R. 29 E., all secs. 13 to 18, incl., and all that part of secs. 19 to 24, incl., lying north of Yellowstone River.

T. 3 N., R. 30 E., all secs. 12 and 14 to 18, incl., and all that part of secs. 13 and 19 to 24, incl., lying north and west of Yellowstone River.

3461 T. 3 N., R. 31 E., all secs. 4, 5, 6, and all that part of secs. 1, 2, 3, 7, 8, 9, 10, and 18 lying north and west of Yellowstone River.

T. 4 N., R. 31 E., all secs. 33 to 36, incl.

T. 3 N., R. 32 E., all secs. 5, 6, and 7.

T. 4 N., R. 32 E., all secs. 1, 12, 13, 14, and 21 to 36, incl.

T. 4 N., R. 33 E., all secs. 2 to 10 and 16 to 19, incl.

T. 5 N., R. 33 E., all secs. 25 to 28 and 33 to 36, incl.

T. 5 N., R. 34 E., all secs. 19 to 36, incl.

As the withdrawal has been of such short duration, and has probably not come to general public notice, it is further recommended that the usual notice by publication limiting the time for settlement and entry be waived.

Very respectfully,

A. P. DAVIS, *Acting Director*.

Approved April 16, 1909, and referred to the General Land Office for action as recommended.

R. A. BALLINGER, *Secretary*.

HON. ROBERT M. LA FOLLETTE,  
*United States Senate.*

DEAR SENATOR: In reply to your letter of May 22, 1909, relative to "water conservation" withdrawals in the States of Montana, Utah, Oregon, and Idaho, which were revoked except as to Utah; also to my letter to you of May 13, informing you that steps were being taken to temporarily withdraw lands probably valuable for power sites pending submission of the matter to Congress for such action as it might deem advisable, I note that you fear that the sites may be obtained by private corporations before the lands are segregated; also that you are reliably informed that the Geological Survey has not sufficient funds with which to make an adequate investigation of the subject, and that you fear, even if it has, that the appearance of its engineers in the field will result in a rush by the public to obtain the sites before they can be withdrawn.

I have to advise you that the withdrawal of the lands in Utah was not revoked, because it was found to be approximately accurate upon investigation of the matter by the Geological Survey. It will, however, be modified so as to include only the lands probably valuable for the purpose, and to exclude land chiefly valuable for agriculture or other purposes. The Owyhee River, Oregon, withdrawal, which was revoked April 10, 1909, has been carefully gone over by the officers of the Geological Survey in connection with their records, and a withdrawal made which includes not only the probable power sites included in the said withdrawal of January 18, 1909, but sites in two additional townships, and this withdrawal only includes 60,000 acres of land as against 387,400 acres included in the former withdrawal. The same course is being followed with reference to the lands in Montana and Idaho. Furthermore, the system inaugurated by me is of vastly wider scope than the former withdrawals, and I have already withdrawn many thousand acres of land not included in the withdrawals originally made, and will continue to do so within the next few days as fast as data is secured. The difference between the method of withdrawal is that the latter withdrawals are based upon facts actually ascertained by surveys and examination, and are confined strictly to legal subdivisions, or sections containing the possible power sites, and do not, as did the original withdrawals, include large areas of no possible value for power sites, but possessing value for agriculture and properly subject to disposition under the general land laws of the United States. The form of withdrawal being used is substantially as follows:

"(Duchesne River and tributaries, Utah.)

"In aid of proposed legislation affecting the disposal of the water-power sites on the public domain, all public lands in the following list are temporarily withdrawn from all forms of entry, selection, disposal, settlement, or location, and all existing claims, filings, and entries are temporarily suspended. All valid entries heretofore made 1183 may proceed up to and include the submission of final proof, but no purchase money will be received or final certificates of entry issued until further orders."

With reference to the ability of the Geological Survey to do this work, I have to advise you that in the exercise of its regular duties for the past thirty years the Geological Survey has been making field examinations of the streams, the waters therein, and of the formation and topography of the country, and has collected as a result of these operations a vast amount of accurate and valuable information upon the subject. The possession of this information enables the survey to furnish the data for these temporary withdrawals as to all areas covered by its previous investigations without further examination in the field. As to areas that have not been covered by that bureau in its field work, I have already directed that temporary withdrawals be made along the streams containing possible power sites pending field investigation this summer.

In view of the information already on hand upon the subject, it is believed that the appropriation made by Congress to the Geological Survey for investigation of the water resources, etc., of the country will be ample for the purpose.

In brief, the former withdrawals were made largely upon insufficient information and withheld from entry large areas of public lands of no possible value for power sites, while the withdrawals now being made are based upon information derived from actual, accurate field examination, and are confined to the actual tracts having a possible value for power sites.

Copies of the orders of withdrawal in Montana, Utah, Oregon, and Idaho are inclosed as requested.

Very respectfully,

R. A. BALLINGER, *Secretary.*



DEPARTMENT OF THE INTERIOR,  
UNITED STATES GEOLOGICAL SURVEY,  
Washington, June 1, 1909.

HON. ROBERT M. LA FOLLETTE,  
*United States Senate.*

MY DEAR SENATOR: I inclose you a copy of a bulletin given to the press on Saturday evening, knowing of your interest in water-power sites. When I handed Secretary Ballinger a copy this morning, he suggested that besides sending you one, I should offer to furnish you with any additional details as to acreage or data on the subject that you might desire. This, of course, I shall be glad to do. If I had had an opportunity of talking with you the other morning, I should have been much pleased to have given you any information at my command.

Yours, very respectfully,

GEO. OTIS SMITH, *Director.*

2045 Release Monday.]

POWER-SITE WITHDRAWALS.

PROMPT ACTION IN PROTECTION OF PUBLIC INTERESTS.

Acting upon the specific instructions of the Secretary of the Interior, the United States Geological Survey has begun the investigation of water-power sites on the public lands. Since April 23, the date of the Secretary's order, the Director of the Survey has recommended 11 temporary withdrawals "in aid of proposed legislation affecting the disposal of the water-power sites on the public domain." These power-site withdrawals, aggregating 236,365 acres of public lands in the States of Utah, Colorado, Wyoming, Montana, Idaho, and Oregon, have been approved by Secretary Ballinger. The present policy is to protect the public interests, on the one hand, by promptly withdrawing from all entry all public lands containing possible power-sites and, on the other hand, by excluding from such withdrawals as far as information at hand warrants all areas of no value for power purposes but properly disposable under the agricultural and other public land laws.

The Director of the Geological Survey has assured the Secretary that the temporary withdrawals of water-power sites already made from data in the possession of the survey, together with such as will hereafter be made prior to the convening of Congress, will be ample to protect all the more important water-power sites undisposed of on the public domain and enable Congress to intelligently legislate for their disposition. Field plans provide for special investigation of withdrawals already made and for surveys along certain western rivers where further information or more exact data are desirable, in addition to the continuation of the regular river-flow observations, for all of which work the current appropriations provide.

Five of the 11 withdrawals already made include all the power-sites available in the areas that were withdrawn by Secretary Garfield and restored to entry by Secretary Ballinger last month. The present withdrawals, however, comprise a much smaller acreage, one-sixth or less of the areas of the corresponding earlier withdrawals. This reduction has been made possible in part by omission of lands patented or reserved prior to the original withdrawals, but more largely by the exclusion of land in no wise essential or useful to power development. The vacated withdrawals included large areas of public land of possible agricultural or mineral value at such distances from the rivers as to have absolutely no connection with the future development of the water resources. On the other hand, the revised withdrawals in the same regions in some instances cover power-sites missed by the earlier action. Thus in the case of the Salmon River in Idaho, where the original withdrawal totaled 322,560 acres, that based upon the recent recommendation of the Geological Survey includes 55,700 acres. A similar reduction holds for the Owyhee River in Oregon and in even greater measure for the Flathead and the Missouri and tributaries in Montana.

All the recommendations by the Geological Survey have been based upon official data already on file. The stream-flow records collected by the water resources branch of the survey and by the Reclamation Service constitute practically all the hydrographic information available for the public land States, stations on all the important streams in these States having been maintained for a series of years for the purpose of determining the water available for irrigation. The topographic surveys which have been conducted by the Geological Survey for 30 years also furnish means of selecting without delay the sections of the rivers important for power purposes.

(From U. S. Geological Survey.)

2046

JUNE 2, 1909.

MY DEAR MR. GARFIELD: I sent you on Saturday night a copy of the statement which was given to the press at that time and which you may have seen also in some of the papers. I think the facts in the matter are pretty well set forth there, but of course there are many details that were omitted. Six of the withdrawals recommended by the Reclamation Service and approved by you in January and February were restored by Secretary Ballinger early in April, and these aggregate a little over 1,400,000 acres, while the revised list includes about one-ninth of that acreage. The method by which this reduction in acreage was accomplished was by securing from the Land Office the status of the land of the earlier withdrawals and then selecting for the recommended withdrawal only such non-patented land as might be, by any possibility, used in power development. The largest reduction was in the case of the Missouri and the Flathead rivers, where practically all of the land near the rivers has been patented. In the case of the Flathead, where the withdrawal recommended by the Reclamation Service amounted to 67,200 acres, the only land remaining unpatented comprises a few lots along the river opposite the national forest, the total acreage here being 135. On the Swan River there was found to be absolutely no land unpatented.

As Secretary Ballinger remarked to me, the earlier lists were not compiled with sufficient care, and this was especially true in the case of one river where three of the townships withdrawn are not even touched by the river, so that in making up the survey recommendation portions of three other townships had to be selected to cover that stretch of the river. I judge that this error was not of a clerical nature, but rather arose from using the Land Office state map instead of the township plats, there being the same difference between the two in this region. As far as possible, the effort has been to use the field men and their records in drawing up these recommendations, and my only regret is that it was not my privilege to place the survey's topographic and hydrographic records at your disposal as well as the services of Messrs. Veatch and Leighton last winter, when this work was first taken up.

Of course these details in the comparison between the two withdrawals are not mentioned outside the inner circle, but I feel that they constitute a sufficient answer to the critics who have condemned your successor for throwing back to public entry "five million acres" of land withdrawn for the protection of the country's water resources. While I doubt not these are those who have the intent of grabbing up the power-sites, I feel certain that they have not been able to accomplish anything during the interval between the restoration and the date of the revised withdrawals.

The other six withdrawals which I recommended between May 4 and May 27 include in the aggregate 82,561 acres on streams in western Utah, western Colorado, and Wyoming. These are streams that had not been considered, so far as I know, in any earlier recommendations, the selections being made by Mr. Leighton and the land lists prepared in the manner described above. It is my purpose to submit other recommendations of this nature from time to time, to the end that every power-site of which we have any knowledge or supposition may be temporarily withdrawn pending legislation.

You know that I take all law, except the geologic variety, only on hearsay. I think, however, that among those who pretend to know the law there is still a division of opinion on two questions: First, whether the Secretary of the Interior possesses any right to make even temporary withdrawals in aid of proposed legislation, and, second, whether or not a right is vested in the entryman which can not be even temporarily set aside by a Secretary's order. But these questions are for others to answer, and in the meantime several on the survey are considering what lands shall be recommended for withdrawals and what legislation providing for the future disposition of these power-sites should be suggested from the survey standpoint. I think a definite proposition can be put up to Congress in such form as to carry a reasonable expectation of passage.

The valuation plat for the Horsethief Canyon Township was prepared yesterday and before forwarding it to the Land Office I submitted it to Secretary Ballinger, as it involves the first case coming under the exception provided in our new scheme, namely, exceeding the maximum of \$300, where the extent and value of the coal beds are a matter of common knowledge. In this case our highest valuation reaches \$410 an acre. You will remember that on several acres the Government received royalty payments far in excess of this price, although only one or, at most, two beds had been mined, and in those the coal had not been extracted to the full extent planned. Some of this coal is valued at 3 cents a ton and some at 2 cents, but allowing for the reduction in price for second, third, and fourth beds, and also for the conservative tonnage estimates used in our calculations, I believe that sufficient coal could be mined from

this land to bring the net cost of the land down to a basis of  $\frac{1}{2}$  cent a ton of mined coal.

At the prices placed upon this township the total valuation is about \$7,800,000 and the forty per cent of the acreage, the title to which I suppose is still in the Government, will yield a handsome contribution to the reclamation fund if the land can be sold. I realize that the fight will be to keep up this policy of selling the coal lands at a proper valuation. In the present case I was especially anxious to have a fair price put upon these Horsethief Canyon lands in view of some newspaper criticism of your action in winning the lands back to the Government. You may not have seen the items in question, the purpose of which was to minimize the importance of this case, and it was set forth that after the noise had subsided, the department would throw the lands open again to coal entry, and the former holders would have the opportunity to purchase them at merely nominal prices. Secretary Ballinger approved the prices determined upon, and the plats have gone forward for the making of photographic copies to be sent to the field offices. This reminds me that I discovered last week that you had directed me to furnish this valuation to the field offices by June 1, and through oversight your explicit directions in this regard were not followed. However, I took the matter up with Mr. Dennett in time for him to send telegraphic orders to the local officers to defer the restoration of these lands to entry to June 15. I am going to learn, if possible, what prices the Union Pacific people are placing on their railroad lands in Wyoming, with a view to using such information as an argument in answer to any criticism of the government prices. I believe that sentiment on the public land question has reached the point where few will dare to come out into the open and criticize the department for selling its coal lands at market prices.

An unconscious little tribute came to us the other day in connection with the segregating of non-irrigable lands under the 320-acre homestead law when a Colorado Representative, commenting upon the irregular outlines of the segregated areas in eastern Colorado, stated that he knew the reason for the omission of certain tracts, and when pressed for his inside information he answered that the lands omitted from this segregation were in fact irrigable lands. It has been a considerable satisfaction to me to see to what an extent the records that have been made for a number of years in connection with the survey's topographic and hydrographic work in the public land States have been of value in the administration of this new law. However, as was naturally to be expected, there were many areas in which we found ourselves without exact data, although we had supposedly covered the areas in question.

Yours, very cordially,

GEORGE OTIS SMITH.

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JAMES R. GARFIELD, ATTORNEY-AT-LAW,  
931 GARFIELD BUILDING,  
Cleveland, June 4, 1909.

MY DEAR MR. SMITH: I am very much obliged for your full report regarding the power-site withdrawals. Of course, we all appreciated that the earlier withdrawals would necessarily have to be modified upon further and more detailed examination. I sincerely hope that nothing has been lost by the temporary restoration, and am very pleased that recent withdrawals have included additional sites.

The result of the coal revaluation is most gratifying.

Sincerely, yours,

JAMES R. GARFIELD.

HON. GEO. OTIS SMITH,  
*U. S. Geological Survey,  
Washington, D. C.*

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1900

[Copy.]

JULY 10, 1909.

HON. ROBERT M. LA FOLLETTE,  
*United States Senate.*

MY DEAR SENATOR: Replying to your inquiry regarding the restoration of water-power sites, I think, for your information, it only fair to set myself right against a charge of inconsistency. There has been some little feeling aroused, and as this has now quieted I think I may with propriety state that my position in the matter and that of Mr. Arthur P. Davis has been consistent throughout with the ideas of the friends of conservation.

During the summer of 1908 I was with the Secretary of the Interior, Hon. J. R. Garfield, visiting various reclamation projects. During the trip Mr. Garfield became impressed with the necessity of taking early action for preserving for the use of the people of the United States some of the more valuable water-power sites and of preventing these from being entered by speculative interests, who were apparently seeking to tie them up so that they could not be used, and thus could not be developed, in competition with the plants in existence. He discussed this matter thoroughly and gave orders that general investigations should be made and all available facts brought together.

As a result, Mr. Arthur P. Davis, chief engineer of the Reclamation Service (and during my absence from Washington, acting director), recommended the withdrawal of certain areas for the purpose of giving these field examinations. The recommendations for withdrawal, as a rule, were made by townships or large areas, because of the fact that the maps in many cases were known to be inaccurate. It was also known that little or no interference would result to the normal development of the country, as the available agricultural and mineral lands within the areas segregated had to a large extent already passed into private control. The temporary segregation applied mainly to those unentered tracts which were of little or no use except in connection with water-power development.

1901 With the change of administration there seemed to be a misapprehension of the condition. One of the first acts of the new Secretary was to call into question the propriety or legality of the existing withdrawals, stating that western men had objected to the wholesale withdrawals, and that in his opinion the Secretary had no authority to make these.

This matter was quite fully discussed in the presence of Mr. Arthur P. Davis on March 18, and particularly on the afternoon of March 19. It was also discussed on March 12, and statement made that there was no authority of law for the so-called supervisory authority of the Secretary. It was taken up again on March 15 and again on March 18. On the latter date I had a talk with Senator Carter, in which the matter was again referred to.

On March 22 the subject was brought up by the Secretary, and on April 1, after conversation with the Secretary, draft of instructions, for signature by the Secretary, was prepared, ordering the Director of the Reclamation Service to recommend the restorations of the power sites.

In the conversation of March 19 I urged that the original plan be adhered to, namely, of gradually restoring lands which were not found to be useful for power sites. I pointed out that nine-tenths of the area covered by these segregations could be eliminated in a short time, and that a gradual restoration would attract less attention and would not seem to reflect upon the previous administration.

On April 4 I left Washington, and Mr. Davis tells me that he was ordered by telephone to at once send down the lists concerning which we had had conversation. On April 7 he sent down many of the lists, utilizing the printed forms prepared for recommending restorations. He followed this by a letter of April 10, outlining the substance of previous correspondence to the effect that the lands had been withdrawn in accordance with a policy adopted by President Roosevelt.

In short, I think I can properly assure you that the Reclamation Service is not open to a charge of inconsistency. It has endeavored to follow the instructions and recommend withdrawals of land or restoration in accordance with the orders of the then Secretary. Personally, Mr. Davis and I are completely agreed that the most practical way of handling this work is to make preliminary withdrawals general in extent, and then, as soon as possible, cut these down on a basis of a careful study of the data or of a field examination.

Very truly, yours,

F. H. NEWELL, *Director.*

1743

UNITED STATES GEOLOGICAL SURVEY,  
OFFICE OF THE DIRECTOR,  
*Washington, September 3, 1909.*

THE SECRETARY OF THE INTERIOR.

SIR: In accordance with your request, I have the honor to submit herewith a statement of the methods followed by the Geological Survey, in its power-site investigations, together with tables comparing the former withdrawals with those made under your administration.

On April 23, 1909, you ordered the immediate investigation of water-power sites on the public domain by the Geological Survey, and instructed me to report the available power sites in order that any necessary withdrawals might be made to protect such

power sites, pending "the securing at the next session of Congress legislation to control and regulate their disposition."

The Geological Survey thereupon began a critical review of the official records of stream gradients and stream flow, covering not only streams previously withdrawn but all streams in public-land States.

Where streams were found to possess conditions favorable for power development, the following procedure was had:

I. The location of the stream according to legal subdivisions was obtained by copying the official Land Office plats.

II. With these plats in hand lists were prepared covering the land along the river which should be withdrawn if available. In the preparation of these lists and of the official recommendations of withdrawal the size of the unit of withdrawal was determined in no small measure by the character of the land surveys. Where these surveys resulted in a careful meander of the streams it was possible to make the segregation follow the river very closely. Where the survey did not result in a careful meander of the stream it has been necessary to withdraw larger tracts in order to cover all possible positions of the river.

III. These lists were thereupon transmitted to the General Land Office for indication of the status of the land.

IV. On receipt of the status plats, lists of lands to be withdrawn were prepared, having due regard to the ownership of the land and the character of development required for the utilization of the power in the particular stream or river involved, the tracts segregated providing not only for possible dam sites but also for flowage areas and all rights of way that might be essential to power development. These lists were transmitted to the Secretary, with a recommendation that the following action be taken:

"In aid of proposed legislation affecting the disposal of the water-power sites on the public domain, all public lands in the following list are temporarily withdrawn from all forms of entry, selection, disposal, settlement, or location, and all existing claims, filings, and entries are temporarily suspended. All valid entries heretofore made may proceed up to and including the submission of final proof, but no purchase money will be received or final certificates of entry issued until further orders."

V. Following the withdrawal the survey sends into the field experts to make careful topographic and hydrologic surveys, including additional stream profiles and measurements of stream flow, and on this basis reviews the withdrawals made and recommends the restoration of tracts not essential to power development. As a result of such special examinations three restorations of areas, in no wise essential to the control of power development, have already been made and the existence of valuable power sites undoubtedly in the possession of the Government has been conclusively demonstrated.

All the withdrawals will be specially examined in the field before Congress convenes. The work now in progress is summarized below according to States:

**Colorado:**

Animas River and tributaries.  
Green River and tributaries.  
Grand River.  
North Fork Gunnison River (profile party).  
Gunnison River and tributaries (profile party).  
White River.  
Blue River.  
Cochetopa Creek.

1744

**Idaho:**

Salmon River and tributaries.  
Snake River.  
Payette River.  
Kootenai River.  
Salmon River No. 2.

**Montana:**

Missouri River (one restoration made).  
Missouri River tributaries (Jefferson, Gallatin, and Madison rivers—two restorations made).  
Flathead River.  
North Fork Musselshell River.  
Boulder River.  
Beaverhead River.  
Flathead River No. 2.  
Whitetail Creek.  
Yellowstone River.

**Montana—Continued.**

Clark Fork and tributaries.

Kootenai River.

Judith River No. 1 (profile party).

Hell Gate River.

Judith River No. 2.

**Oregon:**

Owyhee River and tributaries.

John Day River (profile party).

Deschutes River (profile party).

Engineer is now in the field making topographic and hydrographic surveys, including profiles of the following streams, which will be withdrawn if conditions warrant within month:

White River.

Metoulius River.

Crooked River.

East and West Forks of Deschutes River.

John Day River, including North, Middle, and South Forks of.

**Utah:**

Duchesne River and tributaries.

Ashley Creek and tributaries.

Grand River.

Ashley Creek No. 2.

Colorado River.

White River.

Green River (profile party).

**Washington:**

Yakima River.

Engineer is now in the field making topographic and hydrographic surveys, including profiles, of the following streams, which will be withdrawn if conditions warrant:

Klickitat River.

White Salmon River.

Cowlitz River.

Lewis River, including North Fork, South Fork, Swift Creek, and Pine Creek.

Muddy River.

Cispus River.

Toutle River, including North and South Forks.

Green River.

Naches River.

Tieton River.

**Wyoming:**

North Platte River.

Green River and tributaries (profile party).

Wind River and tributaries.

Greybull River.

Owl Creek.

Clarks Fork of Yellowstone River.

Green River and tributaries, No. 2 (profile party).

1745 The streams along which existing power-site withdrawals are in force, together with the comparative areas of these and the former blanket withdrawals, are shown in the accompanying four tables.

I send also two maps illustrating typical examples of the character and nature of these blanket withdrawals.

The Owyhee withdrawal was made on January 18, 1909, on the following recommendation of the Director of the Reclamation Service:

"In accordance with your request to be advised of any power sites which may be regarded as of importance with a view to the conservation of the water resources, it is respectfully recommended that under the supervisory power of the Secretary the following-described lands be reserved from all forms of entry in order that they may be held available for the benefit of the public in connection with future development."

The map on which a portion of this withdrawal is shown (Map No. 1) was available for use in making the original withdrawal, inasmuch as the survey was made by the Geological Survey in 1905 in partial cooperation with the Reclamation Service, as shown in the legend, and the work was published in 1906. This map shows:

(1) That in the lower portion of the river there was included in the blanket withdrawal a wide valley in Tps. 20 and 21 S., R. 46 E., under irrigation and of no possible value for the power purposes.

(2) That the great bulk of that withdrawal included very hilly uplands remote from the river and in some cases in other drainage basins.

(3) That the original withdrawal, while needlessly removing a vast territory from settlement, included in this particular area only 26½ miles of the total 36 miles of the river which is possibly valuable for power. This stretch is most important for power purposes.

This map explains why the 60,000-acre withdrawal made under your direction actually conserves more for the public interest than the 380,000 acres included in the original blanket withdrawal.

Map No. II shows a similar condition with respect to the withdrawal along the White River in Utah. On this map the location of the river is plotted according to the official land subdivision surveys of the General Land Office. These surveys were all made prior to 1905, but in the recommendation of withdrawal which was made February 27, 1909, in the same terms quoted above for the Owyhee, all the townships except two are described as "unsurveyed."

This withdrawal, as is true of the Owyhee and other withdrawals, although including large tracts of no possible value for power sites, failed to include important portions of the river. The portions of the river of possible value for power which were not included in this original withdrawal, which is still in force, were withdrawn on August 20, 1909. Under your instructions I am now reviewing the original withdrawal and will in a short time recommend the restoration to entry of a very considerable portion of the area which is of no value for power purposes.

Both of these maps illustrate instances where there was a failure to utilize the records in other bureaus of the department which the Reclamation Service was in the habit of constantly consulting. In many cases there is internal evidence that the lists for the original withdrawals were compiled wholly from small-scale Land Office state maps, and these of not the latest issue.

Very respectfully,

GEO. OTIS SMITH, *Director.*

3440

NOVEMBER 11, 1909.

The DIRECTOR,  
U. S. Reclamation Service.

SIR: In one of the inclosures accompanying your letter of November 9, 1909, which transmits record of power-site withdrawals made by the Reclamation Service, I note, under the title "Green River Power-Site, Utah," T. 6 S., R. 21 E.; T. 6 S., R. 22 E.; T. 6 S., R. 23 E.; T. 5 S., R. 23 E.; T. 5 S., R. 24 E.; T. 4 S., R. 23 E.; T. 4 S., R. 24 E.

The results of profile surveys made during the past season show that this river is exceedingly flat along the reach above indicated, the average fall for about 40 miles being 2 feet per mile. In the preliminary examination of this stretch of the river preparations were made to restore the withdrawals, but in view of your independent withdrawal for power site it has occurred to me that you may be in possession of some special information that would warrant the retention of this stretch of the river as a power site.

3441 Will you kindly investigate the matter and inform me whether or not, in view of the above information, you advise the continuance of the withdrawal of this portion of the river? At the same time will you please advise me whether the withdrawal on the Green River in T. 3 S., R. 25 E., is for power purposes?

Very respectfully,

H. C. RIZER, *Acting Director.*

DEPARTMENT OF THE INTERIOR,  
U. S. RECLAMATION SERVICE,  
November 22, 1909.

The DIRECTOR,  
U. S. Geological Survey.

SIR: Your letter of November 11, inquiring about power withdrawals on Green River, has been received. Withdrawal in Ts. 4, 5, and 6 S., Rs. 21, 22, 23, and 24 E., mentioned in your letter, were made on recommendation of this office for power purposes, subject to later investigation.

This office has no special knowledge regarding the existence of power sites at this point, and the results of instrumental investigation on the ground should, of course, be taken in preference to any evidence obtained from existing maps.

The withdrawal on the Green River in T. 3 S., R. 25 E., is for the Island Park Reservoir site, which is apparently valuable for the storage of water for both power and irrigation purposes.

Very truly, yours,

A. P. DAVIS, *Acting Director.*

[From La Follette's Magazine, March 5, 1910.]

3347

BALLINGER REVERSES HIS OWN ORDER.

In one instance Ballinger reversed his orders. May 22, 1909, Senator LaFollette wrote Secretary Ballinger with reference to the latter's restoration to entry of land on one western river. Ballinger replied, May 25, saying the land had been rewithdrawn. Investigation shows it was rewithdrawn between the time Ballinger received the La Follette letter and the time he replied to it.

MARCH 7, 1910.

Hon. R. M. LA FOLLETTE,  
*United States Senate.*

MY DEAR SENATOR LA FOLLETTE: In the March 5 issue of your magazine is the suggestion that your letter of May 22, 1909, was responsible for the power-site withdrawal along the Owyhee River, approved by Secretary Ballinger on May 24, 1909.

In order that you may have all the facts before you in this matter, I may say that the investigation from office records of the question of power on the Owyhee River in Oregon was begun by this bureau on April 30, 1909. On May 21, 1909, plats were received from the Commissioner of the General Land Office showing the ownership of the lands and a recommendation of withdrawal was prepared and sent to the Secretary on May 22, 1909. The preparation of this recommendation and its approval was entirely independent of your letter.

Very respectfully,

GEO. OTIS SMITH, *Director.*

1177 TABLE I.—*Withdrawals originally made in terms of "power sites" and "conservation of water resources."*

	On recommendation of Reclamation Service.			On recommendation of Geological Survey.		
	Withdrawn.	Restored.	Approximate area.	Withdrawn.	Total area.	Entered land.
Missouri River, Mont. ....	1909. Jan. 18	1909. Apr. 7	273,280	1909. May 29	6,328	1,288
Owyhee River, Oreg. ....	do. ....	Apr. 10	379,520	May 24	60,000	2,360
Missouri River tributaries, Mont. (Jefferson, Madison, Gallatin, and Beaverhead rivers) .....	Feb. 16	do. ....	356,480	May 29	31,963	1,326
Flathead River, Mont. ....	do. ....	do. ....	67,200	do. ....	135	84
Swan River, Mont. ....	do. ....	Apr. 7	18,500	(d)		
Salmon River, Idaho. ....	Feb. 17	Mar. 30	322,560	May 29	55,700	2,360
Total. ....			1,417,540		154,126	7,418
San Juan River, Utah. ....	Feb. 19	(e)	115,200			
White River, Utah. ....	Feb. 27	(e)	83,200	(f)		
Total. ....			198,400			

<sup>a</sup> Of the area withdrawn on the Missouri, 1,518 acres, including 467 acres of entered land, were restored July 13, 1909, after field examination, which showed that the power in the part of the river involved could not be developed from the tracts withdrawn.

<sup>b</sup> This 60,000 acres includes areas along the river which were missed in the original withdrawal. The large reduction from the original withdrawal, in spite of the fact that the subsequent withdrawals include more power sites, is explained in the accompanying map No. I.

<sup>c</sup> Of the area withdrawn, the Missouri tributaries, 2,742 acres, including 793 acres of entered land, were restored on July 15 and 16 after field examination, which showed that the power in the part of the river involved could not be developed from the tracts withdrawn. The same examination showed that some of the best power in the region is now protected by this withdrawal.

<sup>d</sup> All lands along this river of value for power purposes were in private ownership at the time of the original withdrawal.

<sup>e</sup> Not restored.

<sup>f</sup> The White River (Utah) withdrawal of February 27, 1909, missed the river at several places. The Geological Survey withdrawal of August 20, 1909, covers these omissions. (See accompanying map No. II, which shows also the large area of vacant public lands needlessly withheld from settlement.)



1178 TABLE II.—*Withdrawals originally made in terms of reclamation projects (stated by Reclamation Service on May 25, 1909, to have been for power purposes).*

	On recommendation of Reclamation Service.			On recommendation of Geological Survey.		
	With- drawn.	Re- stored.	Approx- imate area.	With- drawn.	Total area.	Entered land.
North Platte River, Wyo.....	1908. Dec. 4	1909. Apr. 6	<i>Acres.</i> 149,120	1909. May 25	<i>Acres.</i> 6,820	<i>Acres.</i> 480
Grand River, Utah.....	.....do. 29	.....Apr. 10	61,440	.....July 30	28,410	0
Yellowstone and tributaries, Mont.....	{Dec. 29 1909. Feb. 16	{Mar. 27 Apr. 7 Apr. 16	{435,840	{June 22 Aug. 9	{3,747	{1,422
Bighorn River, Wyo.....	Dec. 31	Apr. 6	271,000		(a)	0
Green River, Wyo.....	Jan. 2	.....do.	331,520	{May 26 July 21	39,306	9,296
Colorado River, Utah.....	Feb. 16	Apr. 7	232,960	Aug. 13	87,360	0
Bighorn River, Mont.....	.....do.	.....do.	54,400		0	0
Green River, Utah.....	Feb. 17	{Mar. 20 Apr. 15	298,240	Aug. 27	101,660	2,278
Total.....			1,834,520		267,003	13,475

a All lands along this river of value for power purposes were in private ownership at the time of the original withdrawal.

TABLE III.—*New power-site withdrawals in areas not covered by any previous power withdrawals.*

	On recommendation of Geo- logical Survey.		
	With- drawn.	Total area.	Entered land.
Duchesne River and tributaries, Utah.....	May 4	<i>Acres.</i> 32,760	<i>Acres.</i> 14,640
Animas River and tributaries, Colo.....	May 15	17,280	0
Green River and tributaries, Colo.....	May 27	2,440	0
Wind River and tributaries, Wyo.....	.....do.	7,221	2,755
Ashley Creek and tributaries, Utah.....	May 28	2,120	560
Greybull River, Wyo.....	June 5	1,040	640
Owl Creek, Wyo.....	June 7	6,382	39
North Fork Musselshell River, Mont.....	June 8	160	160
Grand River, Colo.....	.....do.	960	200
Boulder River, Mont.....	.....do.	80	0
Beaverhead River, Mont.....	.....do.	80	0
Snake River, Idaho.....	.....do.	1,232	629
Flathead River, Mont.....	.....do.	288	0
White Tail Creek, Mont.....	.....do.	1,080	160
Payette River, Idaho.....	June 10	2,960	413
North Fork Gunnison River, Colo.....	June 22	1,660	160
John Day River, Oreg.....	June 26	14,402	2,502
Clark Fork and tributaries, Mont.....	.....do.	3,728	1,785
Deschutes River, Oreg.....	June 30	6,716	967
Gunnison River and tributaries, Colo.....	July 7	11,274	1,480
Clarks Fork, Yellowstone River, Wyo.....	July 14	365	40
Kootenai River, Montana-Idaho.....	July 15	2,094	545
White River, Colo.....	July 27	4,004	1,008
Blue River, Colo.....	July 30	3,629	1,805
Judith River, Mont.....	.....do.	9,997	1,401
Hell Gate River, Mont.....	Aug. 9	4,268	1,907
Judith River, No. 2, Mont.....	Aug. 11	1,160	1,000
Ashley Creek, No. 2, Utah.....	.....do.	240	40
Salmon River, Idaho.....	Aug. 13	96	80
White River, Utah.....	Aug. 20	2,859	0
Cochetopa Creek, Colo.....	Aug. 31	3,840	140
Yakima River, Wash.....	Sept. 3	6,253	531
Total.....		152,558	36,307

3442 TABLE I.—*Withdrawals originally made in terms of "power sites" and "conservation of water resources."*

[Corrected to April 21, 1910.]

Stream and State.	On recommendation of Reclamation Service.			On recommendation of Geological Survey.		
	Withdrawn.	Restored.	Approximate acreage.	Withdrawn.	Total acreage.	Entered acreage.
Missouri River, Mont. ....	Jan. 18, 1909	Apr. 7, 1909	273, 280	May 29, 1909	6, 328	<sup>a</sup> 1, 288
Owyhee River, Oreg. ....	do	Apr. 10, 1909	379, 520	May 24, 1909	<sup>b</sup> 60, 000	2, 360
Missouri River tributaries, Mont. (Jefferson, Madison, Gallatin, and Beaverhead rivers) .....	Feb. 16, 1909	do	356, 480	May 29, 1909	31, 963	<sup>c</sup> 1, 326
Flathead River, Mont. ....	do	do	67, 200	do	135	84
Swan River, Mont. ....	do	Apr. 7, 1909	18, 500	do	40	0
Salmon River, Idaho. ....	Feb. 17, 1909	Mar. 30, 1909	322, 500	May 29, 1909	55, 700	2, 360
San Juan River, Utah. ....	Feb. 19, 1909	Mar. 18, 1910	115, 200	Mar. 18, 1910	<sup>d</sup> 70, 535	331
White River, Utah. ....	Feb. 27, 1909	Sept. 10, 1909	83, 200	Sept. 10, 1909	<sup>e</sup> 11, 189	474
Total .....			1, 615, 940		235, 850	8, 223

<sup>a</sup> Of the area withdrawn on the Missouri River, 1,518 acres (including 467 acres of entered land) were restored on July 13, 1909, after field examination, which showed that the power in the part of the river involved could not be developed from the tracts withdrawn. This restoration was canceled on November 8, 1909, for the reason that these tracts enable the Government to control the development.

<sup>b</sup> This 60,000 acres includes areas along the river which were missed in the original withdrawal.

<sup>c</sup> Of the area withdrawn, the Missouri tributaries, 2,742 acres (including 793 acres of entered land) were restored on July 15 and 16, 1909, after field examination, which showed that the power in the part of the river involved could not be developed from the tracts withdrawn. This restoration was canceled on November 8, 1909, for the reason that these tracts enable the Government to control the development.

<sup>d</sup> All lands along this river of value for power purposes were in private ownership at the time of original withdrawal.

<sup>e</sup> On recommendation of Geological Survey.

<sup>f</sup> Includes lands in Indian reservations withdrawn by executive order which were not included in withdrawal of February 19, 1909.

<sup>g</sup> The White River (Utah) withdrawal of February 27, 1909, missed the river at several places; the Geological Survey withdrawal of August 20, 1909, covers these omissions.

TABLE II.—*Withdrawals originally made in terms of reclamation projects.*

PART 1.—STATED BY RECLAMATION SERVICE ON MAY 25, 1909, TO HAVE BEEN FOR POWER PURPOSES.

Stream and State.	On recommendation of Reclamation Service.			On recommendation of Geological Survey.		
	Withdrawn.	Restored.	Approximate acreage.	Withdrawn.	Total acreage.	Entered acreage.
North Platte River, Wyo. ....	Dec. 4, 1908	Apr. 6, 1909	149, 120	May 25, 1909	6, 520	480
Grand River, Utah. ....	do	<sup>a</sup> Apr. 10, 1909	61, 440	July 30, 1909	28, 410	.....
Yellowstone River and tributaries, Mont. ....	{ Dec. 29, 1908 { Feb. 16, 1909	{ Mar. 27, 1909 { Apr. 7, 1909 { Apr. 16, 1909	{ 435, 840 { 435, 840	{ June 22, 1909 { Aug. 9, 1909	{ 3, 747	1, 422
Bighorn River, Wyo. ....	Dec. 31, 1908	Apr. 6, 1909	271, 000	Feb. 10, 1910	26, 447	6, 682
Green River, Wyo. ....	Jan. 2, 1909	do	331, 520	{ May 26, 1909 { July 21, 1909	<sup>b</sup> 85, 304	8, 871
Colorado River, Utah. ....	Feb. 16, 1909	Apr. 7, 1909	222, 960	Aug. 13, 1909	87, 360	.....
Bighorn River, Mont. ....	do	do	54, 400	Feb. 10, 1910	6, 400	.....
Green River, Utah. ....	Feb. 17, 1909	{ Mar. 20, 1909 { Apr. 15, 1909	{ 298, 240	Aug. 27, 1909	<sup>d</sup> 90, 173	520
Total .....			1, 834, 520		284, 361	17, 975

<sup>a</sup> Included only part of lands in original withdrawal of December 4, 1908; remaining area considered in part 2 of this table.

<sup>b</sup> Excluding 11,487 acres in withdrawal of August 27, 1909. Restored on January 21, 1910, after field examination showing same to have no power value.

<sup>c</sup> Included only part of lands in original withdrawal of February 17, 1909; remaining area considered in part 2 of this table.

<sup>d</sup> Including 4,002 acres restored on November 9, 1909, after field examination showing same to have no power value.

3443 TABLE II.—*Withdrawals originally made in terms of reclamation projects.*

PART 2.—STATED BY RECLAMATION SERVICE ON NOVEMBER 9-15, 1909, TO HAVE BEEN FOR POWER PURPOSES.

Stream and State.	On recommendation of Reclamation Service.			On recommendation of Geological Survey.		
	Withdrawn.	Restored.	Approximate acreage.	Withdrawn.	Total acreage.	Entered acreage.
Chelan River, Wash. ....	Aug. 13, 1908 <sup>a</sup>	Mar. 6, 1909 Feb. 26, 1910	42,840 3,240	.....	0 0	0 0
Deschutes-Metolius rivers, Oreg.	Oct. 24, 1908	Dec. 30, 1909	34,735	Dec. 30, 1909	14,139	1,198
Truckee-Carson, Nev.-Cal.	Oct. 23, 1908	.....	84,076	.....	0	0
Grand River, Colo.	Dec. 3, 1908	Feb. 18, 1910	249,000	Feb. 18, 1910	44,686	4,341
Grand River, Utah	Dec. 4, 1908	Mar. 9, 1910	36,480	Mar. 9, 1910	12,392	572
San Juan River, N. Mex.	Dec. 29, 1908	Nov. 18, 1909	109,360	Nov. 18, 1909	9,612	1,531
Green River, Utah	Feb. 17, 1909	Jan. 21, 1910	115,452	Jan. 21, 1910	8,034	660
Total.....	.....	.....	675,783	.....	88,803	8,302

<sup>a</sup> On recommendation of Geological Survey.<sup>b</sup> All lands of value for power purposes were in private ownership at time of original withdrawal.TABLE III.—*New power-site withdrawals on streams or parts of streams not covered by any previous power withdrawals.*

[On recommendation of Geological Survey.]

Date of approval.	Stream.	State.	Total acreage.	Entered acreage.
1909.				
May 4	Duchess River and tributaries.....	Utah.....	32,780	14,640
15	Animas River and tributaries.....	Colorado.....	17,280	0
24	Owyhee River and tributaries.....	Oregon.....	( <sup>c</sup> )	.....
26	Green River.....	Colorado.....	2,440	0
27	Wind River and tributaries.....	Wyoming.....	7,221	2,755
28	Ashley Creek and tributaries.....	Utah.....	2,120	560
June 5	Greybull River.....	Wyoming.....	1,040	640
7	Owl Creek.....	do.....	6,382	39
8	North Fork Musselshell River.....	Montana.....	160	160
8	Grand River.....	Colorado.....	900	200
8	Boulder River.....	Montana.....	80	0
8	Beaverhead River.....	do.....	80	0
8	Snake River.....	Idaho.....	1,232	629
8	Flathead River.....	Montana.....	288	0
8	White Tail Creek.....	do.....	1,080	160
10	Payette River.....	Idaho.....	2,950	413
22	North Fork Gunnison River.....	Colorado.....	1,560	160
26	John Day River.....	Oregon.....	14,402	2,502
26	Clark Fork and tributaries.....	Montana.....	3,728	1,785
30	Deschutes River.....	Oregon.....	6,716	987
July 7	Gunnison River and tributaries.....	Colorado.....	11,274	1,480
14	Clarks Fork of Yellowstone River.....	Wyoming.....	365	40
15	Kootenai River.....	Montana.....	2,094	545
27	White River.....	Idaho.....	4,004	1,008
30	Blue River.....	Colorado.....	2,581	1,081
30	Judith River.....	do.....	9,276	920
Aug. 9	Hell Gate River.....	do.....	4,268	1,907
11	Judith River, No. 2.....	do.....	1,100	1,000
11	Ashley Creek, No. 2.....	Utah.....	240	40
13	Salmon River, No. 2.....	Idaho.....	96	80
20	White River.....	Utah.....	2,959	0
31	Cochetopa Creek.....	Colorado.....	3,840	140
Sept. 3	Yakima River.....	Washington.....	6,253	531
17	Klickitat River.....	do.....	13,720	4,105

<sup>a</sup> See Table I.<sup>b</sup> Excluding 948 acres restored November 8, 1909, after field examination showing same to have no power value.<sup>c</sup> Excluding 721 acres restored November 9, 1909, after field examination showing same to have no power value.

TABLE III.—*New power-site withdrawals on streams or parts of streams not covered by any previous power withdrawals—Continued.*

Date of approval.	Stream.	State.	Total acreage.	Entered acreage.
<b>1909.</b>				
<b>Nov. 3</b>	<b>Red Rock Creek.....</b>	<b>Montana.....</b>	<b>664</b>	<b>0</b>
3	Clark Fork, No. 2.....	do.....	1, 027	1, 581
5	Snake River, No. 2.....	Idaho.....	1, 299	481
5	Gunnison River and tributaries, No. 2.....	Colorado.....	3, 584	1, 224
8	Little Pend d'Oreille River.....	Washington.....	480	480
8	Blue River, No. 2.....	Colorado.....	88	3
8	Klickitat River, No. 2.....	Washington.....	1, 468	400
9	Green River and tributaries, No. 3.....	Wyoming.....	711	109
9	Lost Creek.....	Washington.....	159	119
9	Judith River, No. 2.....	Montana.....	200	80
11	Anthracite Creek.....	Colorado.....	160	0
13	East Walker and West Walker rivers.....	California.....	14, 724	800
16	Middle Fork John Day River.....	Nevada.....	8, 441	2, 520
16	North Fork John Day River.....	Oregon.....	9, 031	2, 068
16	White River.....	do.....	2, 662	440
16	Crooked River.....	do.....	20, 820	3, 424
16	South Fork John Day River.....	do.....	7, 930	764
17	Upper John Day River.....	do.....	2, 408	442
18	White Salmon River.....	Washington.....	2, 238	1, 906
20	Upper Deschutes River.....	Oregon.....	3, 262	2, 391
22	Smith River.....	Montana.....	9, 604	2, 595
23	Kings River.....	California.....	437	280
23	St. Regis River.....	Montana.....	1, 298	240
27	Clark Fork.....	Idaho.....	5, 878	2, 468
29	Toutle River.....	Washington.....	1, 180	200
<b>Dec. 2</b>	Lewis River.....	do.....	3, 485	1, 994
2	No Wood Creek.....	Wyoming.....	11, 264	1, 996
3	Warner Creek.....	Oregon.....	1, 700	0
4	Snake River.....	Idaho.....	56, 470	10, 601
4	South Boulder Creek.....	Washington.....	3, 256	240
4	Tunk Creek.....	Oregon.....	400	160
4	Clear Creek and tributaries.....	Colorado.....	13, 012	40
8	Chicago Creek.....	do.....	2, 734	0
9	Gila River.....	New Mexico.....	20, 144	3, 542
11	North Fork Feather River.....	Arizona.....	1, 006	720
18	Nehalem River.....	California.....	303	231
18	Bumner Gulch Creek.....	Oregon.....	160	0
18	St. Joe River.....	Colorado.....	3, 669	3, 099
20	Pit River.....	Idaho.....	4, 495	80
20	Stanislaus River.....	California.....	4, 924	710
20	Mokelumne River.....	do.....	11, 112	1, 440
20	Yuba River.....	do.....	14, 521	1, 278
20	Arkansas River.....	do.....	27, 294	1, 630
20	Bill Williams River and tributaries.....	Colorado.....	62, 720	0
20	Molalla River.....	Arizona.....	3, 179	800
20	McKenzie River.....	Oregon.....	598	163
<b>1910.</b>				
<b>Jan. 5</b>	Calapooya Creek.....	Oregon.....	540	320
6	Hassayampa Creek.....	Arizona.....	1, 800	280
6	Two Buttes Creek.....	Colorado.....	2, 400	0
7	Little Colorado River.....	Colorado.....	27, 810	11, 501
15	Sevier River.....	Utah.....	24, 152	2, 391
17	Big Blackfoot River.....	Arizona.....	3, 723	759
17	San Rafael River.....	Utah.....	25, 120	1, 000
17	Coeur d'Alene River.....	Idaho.....	2, 408	809
11	Fresno River.....	Idaho.....	160	0
17	South Platte River.....	California.....	3, 536	40
17	Clearwater River and tributaries.....	Colorado.....	17, 332	7, 089
20	Walla Walla River.....	Idaho.....	2, 649	566
24	Red Rock Creek, No. 2.....	Oregon.....	475	85
24	Bitterroot River.....	Montana.....	7, 953	993
<b>Feb. 2</b>	Clark Fork, No. 3.....	do.....	3, 661	2, 590
8	Bruneau River.....	Idaho.....	16, 800	0
8	Salmon River.....	Nevada.....	28, 440	799
10	Red Rock lakes.....	Idaho.....	21, 828	4, 491
25	Snake River.....	Idaho.....	44, 932	28, 291
28	Hood River.....	Idaho.....	1, 080	960
<b>Mar. 9</b>	Snake River.....	Oregon.....	944	0
17	Bruneau River, No. 2.....	Idaho.....	1, 604	895
18	Yampa River.....	do.....	42, 459	3, 551

TABLE III.—*New power-site withdrawals on streams or parts of streams not covered by any previous power withdrawals—Continued.*

Date of approval.	Stream.	State.	Total acreage.	Entered acreage.
3445				
1910.				
Mar. 18	San Juan River.....	Utah.....	(e).....	.....
18	White River, No. 2.....	Colorado.....	3,590	1,120
18	Deschutes River, No. 2.....	Oregon.....	2,240	0
18	Willow Creek.....	do.....	1,720	0
19	Grape Creek.....	Colorado.....	5,480	160
21	Bear River.....	Wyoming.....	1,200	80
23	Columbia River.....	Washington.....	7,370	2,421
23	Susan River.....	California.....	1,120	600
24	Boise River.....	Idaho.....	6,831	603
25	Grape Creek, No. 2.....	Colorado.....	2,960	0
25	Williams Fork.....	do.....	4,125	685
30	Lemhi River.....	Idaho.....	5,823	3,147
31	Columbia River, No. 2.....	Washington.....	4,175	1,558
Apr. 9	Columbia River, No. 3.....	do.....	4,991	1,786
11	Collins Creek.....	do.....	1,174	80
12	Bighorn River, No. 2.....	Wyoming.....	605	460

• See Table I.

Total area in new power-site withdrawals on streams or parts of streams not covered by any previous power withdrawals, 844,628 acres, of which 172,623 acres are entered land.

3439 *Summary of river profile work, Geological Survey, summer of 1909.*

State and stream.	Original withdrawals.		Character of examination.	Extent.	Miles.	New withdrawals.			Restorations.		
	No.	Acres.				No.	Acres.	Date.	No.	Acres.	Date.
Colorado:											
Gunnison River.	27	11,274	Planetable traverse and levels. (Shows River in different location from G. L. O. plats.)	Junction of Taylor and Snake rivers to Cimarron. Somerset to mouth of Coal Creek. Mouth of East River to junction with Taylor River. Portion outside of forest.	49.0 3.5 12.0	50	3,584	1909. Nov. 5			
North Fork of Gunnison River.	27										
Snake River.	27										
Anthracite Creek.			Levels.		1.0	57	160	Nov. 11			
Blue River.	32	3,529	Planetable traverse and levels.	From Dickey to Kremmling.	54.8	52	48	Nov. 8	4	948	1909. Nov. 9
Wyoming: Green River.	5,30	41,746			115.0	54	711	Nov. 9	6	4,002	Do.
Utah: Green River.	42	101,660	Planetable traverse and levels (sketch contours).	From Green River, Utah, to junction Green and Grand rivers.	177.4				7	11,487	1910. Jan. 21
Montana: Judith River.	33	9,997	Planetable traverse and levels.	From Missouri River up river.	36.5	56	200	Nov. 9	5	721	1909. Nov. 9
Yellowstone.			do.	From boundary Yellowstone National Park down river.	10.0						
Oregon: Deschutes River.			do.	From Crooked River to Columbia River.	96.0						
John Day River.			do.	From Forks to Columbia River.	75.0						
Washington: Lewis River.	74	3,485	Transit traverse with levels and approximate topography.	From sec. 26, T. 6 N., R. 3 E., upstream.	65.0						
Toutle River.	73	1,160	do.	From junction with Cowlitz River upstream.	59.6						
Little White Salmon River.			do.	From junction with Columbia River upstream.	8.1						
White Salmon River.	67	2,233	do.	do.	34.2						
Klickitat River.	46	15,218	do.	From mouth to Diamond Fork.	81.2						
	53										
Total.					878.2	5	4,713		4	17,158	

DEPARTMENT OF THE INTERIOR,  
UNITED STATES GEOLOGICAL SURVEY,  
Washington, May 3, 1910.

Hon. KNUTE NELSON,  
*Chairman Investigating Committee, etc.,  
United States Senate.*

MY DEAR SENATOR: In compliance with the request of Mr. Graham, as set forth on page 3473 of the record, I submit herewith the accompanying statement, which should be added after the first line on page 3474.

Very respectfully,

GEO. OTIS SMITH, *Director.*

Page 3474, first line, add to "Statement" the following:

"There are, I believe, in round numbers 51,000 locomotive engines in operation in the United States. The mechanical engineer of one of the larger railroad companies estimates the average horsepower of these engines at approximately 1,000. Mr. Leighton's estimate of 66,000,000 horsepower for the maximum development of the streams of the United States would therefore signify an amount of power more than sufficient to run all our locomotive engines day and night the year around, or the equivalent of an annual coal consumption under locomotive conditions of probably 200,000,000 tons, which is more than double the estimated actual coal consumption by the railroads."

UNDEVELOPED WATER POWERS.

[By M. O. Leighton.]

The surveys and examinations necessary to a thorough and accurate report of the water-power resources of the United States have never been completed. In certain parts of the country the facts are sufficiently well known to make it possible to present a tolerably accurate statement. In other parts the information is fragmentary, and therefore power estimates must be considered approximate. Taken as a whole, however, the schedule here appended will be sufficient for the purposes for which it was prepared.

In order to present the information in a systematic way the drainage areas of the United States have been united into groups according to geographic distribution.

These group boundaries have been arbitrarily determined according to what seems to be the most convenient arrangement for the purposes of this report.

The grouping is as follows: Atlantic Ocean, Pacific Ocean, Arctic Ocean, and interior drainage. These groups have been subdivided into 12 principal divisions, as follows: I. Northern Atlantic; II. Southern Atlantic; III. Eastern Gulf of Mexico; IV. Western Gulf of Mexico; V. Mississippi River (tributaries from the east); VI. Mississippi River (tributaries from the west); VII. St. Lawrence; VIII. Colorado River; IX. Southern Pacific; X. Northern Pacific; XI. Great Basin; XII. Hudson Bay.

SOURCES OF DATA.

The data used in this report have been obtained from the following sources:

The records of flow are mainly from the reports and files of the water-resources branch of the United States Geological Survey. As the period over which these records extend varies in length, a seven-year period, extending from 1900 to 1906, inclusive, was taken as a basis, and all values of flow are the mean for these years.

The profiles and elevations have been obtained as follows:

(a) River surveys made by the United States Geological Survey, U. S. Army Engineer Corps, and others.

(b) Elevations as given by railroad and other levels.

(c) Dictionary of Altitudes, Bulletin No. 274, United States Geological Survey.

(d) United States Geological Survey topographic maps.

(e) Miscellaneous maps and reports of various state and other organizations.

In the use of maps the following preferences have been given: (1) United States Geological Survey topographic sheets; (2) special detailed surveys; (3) General Land Office maps; (4) United States post-route maps; (5) Rand & McNally Atlas sheets.

WATER POWER.

The schedule presented in this report gives the amount of available water power according to three classifications—(1) that which may be produced by the minimum flow; (2) the assumed maximum development; and (3) the additional power that

may be recovered by developing the available storage capacity in the upland basins and using stored water to compensate the low-water periods. The data as a whole have been considered without reference to present practicability of development or present market. For the purposes of this report it has been assumed that all the power in the United States will some day be required. Such an interpretation is the logical one when natural resources are being considered. In other words, the schedule here presented must be interpreted for the future rather than for the present. The reader should not assume that all the power here shown is economically available to-day. Much of it, indeed, would be too costly in development to render it of commercial importance under the present conditions of market and the price of fuel power. The schedule shows, therefore, what will be the maximum possibilities in the day when our fuel shall have become so exhausted that the price thereof for production of power is prohibitive, and the people of the country shall be driven to the use of all the water power that can reasonably be produced by the streams.

Consideration has been given to all the conditions that determine the possibilities of power production on the various rivers of the country. Especially has the slope of the stream channels been scrutinized. Theoretically, of course, the energy developed by the various rivers is that produced by the total fall of the water from source to mouth, but it has not been assumed that, even under ideal conditions of market, all this power will ever be commercially available. The flatter portions of the river channels can never be profitably developed for power and they have not been included in the schedule. The rivers have been divided into sections of varying length, determined by channel slope, and the fall and flow of each section have been obtained from the best available source of information. The records of stream flow collected by the water-resources branch of the Geological Survey have almost uniformly been the only available resort, although acknowledgments should be made to the state water-supply commissions of New York and Pennsylvania; the state engineers of New York, Colorado, California, Oregon, and Nebraska; the territorial engineer of New Mexico; the state geological surveys of Maine, New Jersey, North Carolina, Virginia, Georgia, and Wisconsin; and various other bodies and individuals, public and private, who in the past have maintained measurements in cooperation with the United States Geological Survey or independently. Use has also been made of certain river gauge records of the United States Weather Bureau and of the Corps of Engineers, U. S. Army.

In determining the flow for the various sections the data of flow per square mile, procured from the sources above enumerated, have been applied. The drainage areas above the upper and the lower limits of each section have been determined and a 3463 mean taken for the whole section. This has been used as a factor along with the flow per square mile in determining the minimum flow for that section. This figure, together with 90 per cent of the total fall from head to foot, has been used to determine theoretical horsepower, according to the usual formulas. It is obvious that in practice the entire fall along any stretch of river or at any power privilege can not be effectively utilized. In few places can even 90 per cent be utilized at the present time; but, inasmuch as these figures are supposed to cover future as well as present practice, and inasmuch as it may reasonably be assumed that future practice in water-power installation will improve, it is believed that 90 per cent of the fall along any particular power privilege or section may eventually be realized.

The results of calculations of theoretical power on 90 per cent total fall have been reduced 10 per cent to allow for inefficiency of wheels. It is recognized that 90 per cent efficiency is too high to be used in calculations of power at the present time, 75 or 80 per cent being the usual installation maximum. Here again, however, we are computing for future conditions, as well as present ones, and it may confidently be expected that, with the improvement of turbines, a greater percentage of the theoretical power will be realized on the shaft, and improvements will before long render possible a 90 per cent efficiency.

In determining the minimum horsepower, the minimum flow for the lowest two consecutive seven-day periods in each year was determined, and the mean of these values for the period of record was taken as the minimum flow. It is obvious that this is somewhat higher than the absolute minimum, but the latter is usually of so short duration that it does not equal the practicable minimum that may profitably be installed.

The assumed maximum economical development has been determined on the assumption that it is good commercial practice to develop wheel installation up to that amount the continuance of which can be assured during six months of the year, on the assumption that the deficiency in power during the remainder of the year can be profitably provided by the installation of fuel power plants as auxiliaries. In many parts of the country it has been shown conclusively that it is economical to develop up to that amount which can be had continuously during the highest four



months of the year, and, while it is probable that there are parts of the country where the limit should be the highest eight or ten months, it is believed that the period used in these schedules is a very conservative average. The minimum weekly flow for each month of the year has been arranged according to magnitude, and the sixth value has been taken as the basis for estimating the power, the mean of these values for the record period in each case being that used in the computations.

An endeavor has been made to determine the maximum power that might be produced if the practicable maximum storage available on the drainage areas were established. Surveys on many of the basins make possible a fairly close statement; but inasmuch as fully three-fourths of the country has not been surveyed in a manner suitable for this purpose, only rough estimates can be given for the entire area. There are two methods by which an approximate estimate of total power can be made.

The first is to consider the power on those drainage areas for which suitable surveys are available and to increase the amount by the equivalent of the proportion left unsurveyed. An examination of the facts will show that the amount obtained by this method will be too low. It is apparent from a review of the index map showing the areas covered by such surveys that a fairly large proportion, probably one-third, comprises country in which good reservoir sites are either lacking or are uncommon in occurrence. Such portions include large parts of the Dakotas, Nebraska, Kansas, Oklahoma, Texas, and Louisiana, together with great areas on the Atlantic and Pacific coastal plains. Therefore to increase the total available water power from storage that may be computed on surveyed portions by the ratio of total surveyed portions to the entire country would hardly do justice to the situation. Nevertheless, the figures are here presented.

It is found that the total power available in the surveyed portions, including storage, is about 53,000,000 horsepower. If this be considered as one-fourth, to correspond with the portion of the country surveyed, the total power of the country, with practical maximum storage, will be about 212,000,000 horsepower.

The second method of computation involves consideration of the increase of power available from storage in the several portions of the country in which surveys have been made, and applying the ratio of increase to unsurveyed and similar country in those regions. The topographic surveys, while they cover only one-fourth of the total area of the country, have nevertheless been prosecuted in all sections, so that the storage data are applicable to all physiographic types that are comprised within the United States. Applying the information in this way, we obtain a grand  
 3464 total of 230,800,000 horsepower, which, it appears to the writer, is a more accurate figure than that obtained by the first method.

In any case, therefore, it may be assumed with confidence that, were all practicable storage sites utilized and the water properly applied, there might be established eventually in the country a total power installation of at least 200,000,000 horsepower, and probably much more.

In the actual management of storage for water power or for any other water utilization the stored waters are released according as needed, and they must be distributed according to the condition of the river and the length of the dry season. Therefore, water from storage is required for a varying number of months, according to the climatological conditions governing the river discharge. Some assumption in this matter has been necessary, and it is believed from the experience that has been gained in the study of rivers throughout the country that it will be fair and conservative to assume that, if any given storage be considered as released uniformly during six months of the year, and the natural flow from the unconserved areas be considered as sufficient to maintain at least an equal flow during the remaining six months, the results will not depart too widely from the actual conditions as regards total power that may be achieved in practice, unless, indeed, they are too conservative. It is well known that on some rivers an economical use of stored water would involve a shorter period of total release than six months to insure the most uniform distribution of discharge. This would provide for a greater power development than the six months of distribution. Nevertheless, the latter has been considered a fair average, and has been used in the accompanying schedule.

Summing up the whole country according to the divisions thereof heretofore discussed, we obtain the general summary given below. Especial mention should be made of the fact that the results here given do not include the State of Pennsylvania, the figures for which had not been furnished up to the date of this report.

*Estimate of stream flow and water power in the United States.*

Principal drainages.	Drainage area in square miles.	Flow per annum in billion cubic feet.	Horsepower.	
			Minimum.	Assumed maximum development.
North Atlantic to Cape Henry, Va.....	159,879	8,942	1,712,050	<sup>a</sup> 3,186,600
Southern Atlantic to Cape Sable, Fla.....	123,920	5,560	1,263,000	1,967,800
Eastern Gulf of Mexico to Mississippi River.....	142,220	6,867	559,000	963,000
Western Gulf of Mexico west of Vermillion River.....	<sup>b</sup> 433,700	2,232	433,600	822,600
Mississippi River (tributaries from east).....	333,600	12,360	2,619,590	<sup>a</sup> 5,344,600
Mississippi River (tributaries from west, including Vermillion River).....	905,200	9,580	3,948,970	7,085,000
St. Lawrence River to Canadian line.....	<sup>c</sup> 299,720	8,583	6,682,480	8,090,000
Colorado River above Yuma, Ariz.....	225,000	521	2,915,500	5,546,000
Southern Pacific to Point Bonita, Cal.....	70,700	2,193	3,215,400	7,806,300
Northern Pacific.....	290,400	15,220	12,979,700	24,701,000
Great Basin.....	223,000	.....	515,000	801,000
Hudson Bay.....	62,150	614	75,800	212,600
<b>Total.....</b>	<b>3,269,490</b>	<b>72,672</b>	<b>36,916,250</b>	<b>66,518,500</b>

<sup>a</sup> Not including area in Pennsylvania.<sup>b</sup> Includes Rio Grande in Mexico.<sup>c</sup> Includes drainage in Canada.

It will be noted from the foregoing that the region furnishing by far the greatest water-power possibilities is the northern Pacific, which comprises essentially the basins of Columbia and Sacramento rivers, the power possibilities there being about one-third those of the whole United States.

The following schedules give in detail figures concerning run-off and potential water power over the various drainage areas included within the several districts:

I. NORTHERN ATLANTIC. <sup>a</sup>

Stream.	States drained.	Drainage area (square miles).	Flow from area.				Horsepower.	
			Second-foot.	Second-foot per square mile.	Per annum.		Minimum.	Assumed maximum development.
					Depth in inches.	Per annum. Billion cubic feet.		
St. Johns <sup>b</sup>	Maine.....	7,500	13,200	1.76	23.90	416	30,500	73,800
St. Croix.....	do.....	1,630	4,260	2.61	35.40	134	28,700	46,000
Penobscot.....	do.....	8,500	16,700	1.96	26.60	526	157,000	296,000
Kennebec.....	do.....	5,970	11,000	1.84	25.00	347	144,000	284,000
Androscoggin.....	Maine, New Hampshire.....	3,500	7,500	2.14	29.00	236	168,000	218,000
Presumpscot.....	Maine.....	3,600	1,010	1.68	22.80	32	(c)	(c)
Saco.....	Maine, New Hampshire.....	1,720	4,060	2.36	32.00	128	20,900	69,000
Merrimac.....	New Hampshire, Massachusetts.....	5,020	8,140	1.62	22.00	267	111,000	190,000
Connecticut.....	Vermont, New Hampshire, Massachusetts, Connecticut.....	11,100	22,100	1.99	27.00	697	230,000	481,000
Blackstone.....	Massachusetts, Rhode Island.....	(c)	(c)	(c)	(c)	(c)	5,280	12,700
Thames.....	Massachusetts, Connecticut, Rhode Island.....	1,940	4,300	2.17	29.40	136	14,400	28,600
Housatonic.....	New York, Massachusetts, Connecticut.....	13,400	25,400	1.90	25.80	802	43,100	86,200
Hudson.....	New York, Massachusetts, Vermont, New Jersey.....	13,049	2,060	2.17	29.40	65	298,000	473,000
Passaic.....	New York, New Jersey.....	1,110	2,380	2.15	29.20	75	10,000	22,000
Raritan.....	New Jersey.....	1,110	2,380	2.15	29.20	75	4,370	9,710
Delaware.....	New York, New Jersey, Pennsylvania, Delaware.....	13,100	25,800	1.97	26.70	814	.....	.....
Susquehanna.....	New York, Pennsylvania, Maryland.....	27,400	42,800	1.56	21.20	1,350	176,000	462,000
Potomac.....	Maryland, Virginia, West Virginia, Pennsylvania.....	14,300	17,300	1.21	16.40	545	196,000	300,000
James.....	Virginia, Maryland.....	10,400	14,000	1.35	18.30	442	43,800	82,000
Minor streams (Chesapeake Bay).....	Virginia, Maryland, Massachusetts, Rhode Island.....	12,800	20,800	1.59	21.60	640	31,500	57,600
Minor streams (northern Atlantic).....	Connecticut, New York, New Jersey, Delaware, Maryland, Virginia.....	18,900	41,200	2.18	29.60	1,300	.....	.....
Total.....	.....	159,879	.....	.....	.....	8,942	.....	.....

Chowan.....	Virginia, North Carolina.....	5,000	7,000	1.40	19.00	221	5,100	10,100
Roanoke.....	do.....	9,740	12,200	1.26	17.00	355	206,000	343,000
Tar.....	North Carolina.....	4,860	5,500	1.26	17.10	174	4,000	8,000
Neuse.....	do.....	5,560	7,320	1.32	17.90	231	5,000	10,000
Cape Fear.....	do.....	9,080	11,100	1.23	16.70	350	40,000	80,000
Pedee (Yadkin).....	North Carolina, South Carolina.....	10,600	16,900	1.60	21.70	553	222,000	334,000
Santee.....	do.....	14,800	24,500	1.66	22.50	773	400,000	600,000
Savannah.....	South Carolina, Georgia.....	11,100	17,600	1.58	21.40	552	280,000	438,000
Ogeechee.....	Georgia.....	5,140	6,530	1.27	17.10	206	4,900	10,700
Altamaha.....	do.....	14,100	17,700	1.26	17.10	558	87,600	94,000
Minor streams (southern Atlantic).....	Virginia, North Carolina, South Carolina, Georgia, Florida.....	34,500	50,100	1.45	19.70	1,580	20,000	40,000
Total.....		123,920				5,560	1,253,000	1,937,800

III. EASTERN GULF OF MEXICO.<sup>a</sup>

Suwanee.....	Florida, Georgia.....	9,970	15,000	1.50	20.40	473	( )	( )
Apalachicola.....	Alabama, Georgia, Florida.....	18,800	30,300	1.61	21.80	955	204,000	326,000
Mobile.....	Alabama, Georgia, Mississippi.....	42,100	66,200	1.57	21.30	2,080		
Tombigbee.....	Alabama, Mississippi.....						50,000	100,000
Alabama.....	Alabama, Georgia.....	8,650	12,300	1.42	19.30	388	275,000	487,000
Pearl.....	Mississippi, Louisiana.....	62,700	93,800	1.50	20.40	2,960	( )	( )
Minor streams (eastern Gulf of Mexico).....	Florida, Alabama, Mississippi, Louisiana.....						30,000	50,000
Total.....		142,220				6,867	559,000	963,000

## IV. WESTERN GULF OF MEXICO.

Sabine.....	Texas, Louisiana.....	20,700	16,700	0.807	11.00	827	2,020	5,050
Trinity.....	Texas.....	17,700	9,970	.559	7.18	296	3,180	12,800
Brasos.....	Texas, New Mexico.....	46,800	9,760	.200	2.72	308	7,460	20,900
Colorado (Texas).....	do.....	36,000	3,700	.097	1.32	120	28,100	55,700
Guadalupe.....	Texas.....	10,500	3,750	.357	4.84	118	36,000	43,400
Rio Grande.....	Texas, New Mexico, Colorado.....	246,000	7,880	.032	.43	249	267,000	545,000
Pecos.....	Texas, New Mexico.....						55,000	87,800
Minor streams (western Gulf of Mexico).....	Louisiana, Texas.....	46,000	19,500	.398	5.40	615	35,000	52,000
Total.....		483,700				2,222	433,760	822,650

<sup>a</sup> St. Johns to Cape Henry, Va.<sup>b</sup> Drainage in United States only.<sup>c</sup> Included in minor streams (northern Atlantic).<sup>d</sup> Cape Henry, Va., to Cape Sabine, Fla.<sup>e</sup> Eastern Gulf of Mexico included between Cape Sabine, Fla., and Mississippi River.<sup>f</sup> Included in minor streams (eastern Gulf of Mexico).<sup>g</sup> Includes drainage area and flow in Mexico, but does not include power.

*Estimate of stream flow and water power in the United States—Continued.*  
V. MISSISSIPPI RIVER (TRIBUTARIES FROM THE EAST).

Stream.	States drained.	Drainage area (square miles).	Flow from area.				Horsepower.	
			Second-foot feet.	Second-foot feet per square mile.	Per annum.		Minimum.	Assumed maximum development.
					Depth in inches.	Billion cubic feet.		
Mississippi a.....		1, 238, 800	696, 400	0.552	7.63	21, 940	147, 000	335, 000
Eastern tributaries lower Mississippi, below Missouri River (exclusive of Ohio).....		42, 800	50, 100	1.17	15.90	1, 580	15, 000	30, 000
Ohio.....		204, 000	270, 000	1.32	17.90	8, 500	840, 000	8100, 000
Tennessee.....	Kentucky, Tennessee, Mississippi, Maryland, Pennsylvania, New York, Ohio, Illinois, Indiana, Alabama, Georgia, North Carolina, Virginia, West Virginia, Kentucky, Tennessee, Mississippi, Alabama, Georgia, North Carolina, Virginia.....						1, 210, 000	1, 960, 000
Cumberland.....	Kentucky, Tennessee, Virginia.....						76, 800	158, 000
Green.....	Kentucky.....						11, 400	28, 500
Licking.....	do.....						18, 100	45, 100
Big Sandy.....	Kentucky, West Virginia, Virginia.....						5, 300	13, 400
Kanawha.....	West Virginia, Virginia, North Carolina.....						21, 700	57, 600
Monongahela.....	West Virginia, Pennsylvania.....						402, 000	1, 020, 000
Minor southern tributaries (Ohio).....	Tennessee, Kentucky, West Virginia, Pennsylvania.....						71, 000	283, 000
Allegheny.....	New York, Pennsylvania.....						31, 800	7, 700
Beaver.....	Pennsylvania, Ohio.....						6, 000	18, 300
Muskingum.....	do.....						16, 500	53, 100
Scioto.....	do.....						3, 630	17, 200
Great Miami.....	Ohio, Indiana.....						28, 700	74, 600
Wabash.....	Indiana, Illinois.....						40, 600	119, 000
Minor northern tributaries (Ohio).....	Illinois, Indiana, Ohio, Pennsylvania.....						10, 000	41, 200
Eastern tributaries, upper Mississippi above Missouri River.....	Illinois, Wisconsin, Minnesota.....	86, 800	72, 300	.833	11.30	2, 280		
Illinois.....	Illinois.....						167, 000	261, 000
Rock.....	Illinois, Wisconsin.....						20, 800	46, 400
Wisconsin.....	Wisconsin.....						171, 000	244, 000
Chippewa.....	Wisconsin.....						59, 000	238, 000
St. Croix.....	Wisconsin, Minnesota.....						39, 000	90, 000
Minor eastern tributaries, upper Mississippi (above Missouri River).....	Illinois, Wisconsin, Minnesota.....						17, 200	43, 300
Total.....		333, 600				12, 360		

## VI. MISSISSIPPI RIVER (TRIBUTARIES FROM THE WEST).

Western tributaries, upper Mississippi (above Missouri River).	Minnesota, South Dakota, Iowa, Missouri.	84,700	42,500	0.501	6.79	1,340	17,300	46,600
Minnesota.	Minnesota, South Dakota.						4,380	10,700
Nebraska.	do.						18,800	222,000
Des Moines.	Minnesota, South Dakota, Iowa, Missouri.						132,000	276,000
Minor western tributaries, upper Mississippi (above Missouri River).	Missouri, South Dakota, Iowa, Missouri.							
Missouri.	Missouri, Louisiana, Minnesota, South Dakota, North Dakota, Montana, Wyoming, Colorado, Nebraska, Kansas, Iowa, Minnesota, South Dakota, Montana.	527,000	594,000	.178	2.41	2,960	300,000	600,000
Big Sioux.	do.							
Milk.	do.							
Marais.	do.							
Jefferson.	do.							
Madison.	do.							
Gallatin.	do.							
Minor northern tributaries (Missouri).	Missouri, Iowa, North Dakota, South Dakota, Montana.							
Muskege.	Montana.							
Yellowstone.	South Dakota, Nebraska.							
Nobara.	Nebraska, Wyoming, Colorado.							
3469 . Kansas.	Nebraska, Nebraska, Kansas.							
Minor southern tributaries (Missouri).	Missouri, Kansas, Nebraska, South Dakota, North Dakota, Montana.							
Western tributaries lower Mississippi, below Missouri River (exclusive of Arkansas).	Missouri, Arkansas, Texas, Oklahoma.	116,000	102,000	.880	11.90	3,220	190,000	360,000
Arkansas.	Arkansas, Missouri, Kansas, Oklahoma, Colorado, New Mexico, Texas.	117,500	65,500	.369	5.00	2,060	110,000	182,000
Cimarron.	Oklahoma, Kansas, New Mexico, Texas.							
Canadian.	Oklahoma, Texas, New Mexico.							
Minor tributaries, Arkansas.	Arkansas, Missouri, Kansas, Oklahoma, Colorado, New Mexico, Texas.							
Red.	Louisiana, Arkansas, Texas, Oklahoma.							
Minor western tributaries lower Mississippi (below Missouri River).	Missouri, Iowa, Missouri.							
Total.		906,200				9,580	3,948,970	7,065,000

<sup>a</sup> Includes all drainage from the Mississippi to Vermillion River, inclusive.

<sup>c</sup> Includes flow but exclusive of power in Canada.

<sup>d</sup> Mean annual discharge 1870-1880, inclusive, from Annual Report Chief of Engineers, 1891, p. 3638.

*Estimate of stream flow and water power in the United States—Continued.*

VII. ST. LAWRENCE RIVER.

Stream.	States drained.	Drainage area (square miles).	Flow from area.				Horsepower.	
			Second-foot.	Second-foot per square mile.	Per annum.		Minimum.	Assumed maximum development.
					Depth in inches.	Billon cubic feet.		
St. Lawrence at Ogdensburg, N. Y.	Minnesota, Wisconsin, Michigan	288,000	262,000	0.876	11.90	7,960	120,000	236,000
Lake Superior.	Michigan, Wisconsin, Illinois, Indiana	76,100	77,300	1.02	13.80		246,000	366,000
Lake Michigan.	Michigan.	68,900	60,500	.878	11.90		82,400	110,000
Lake Huron.	Michigan.	68,900	60,000	.871	11.80		3,280	6,740
St. Clair.	do.	214,000	198,000	.928	12.60		28,000	62,400
Lake Erie.	Ohio, Pennsylvania, New York, Michigan	840,800	22,000	.540	7.33		8,800,000	6,500,000
Niagara.	New York.	256,000	220,000	.863	11.70		200,000	400,000
Lake Ontario & Lake Champlain (Richellen River).	do.	33,000	32,100	.973	13.20		102,000	147,000
Minor St. Lawrence tributaries in New York (below Ogdensburg).	New York, Vermont.	7,750	13,500	1.74	23.60	426	96,700	277,000
Total.	New York.	3,970	6,550	1.65	22.40	207		
		289,720				8,583	6,682,480	8,080,000

VIII. COLORADO RIVER.

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Colorado River above Yuma, Ariz.	Utah, Nevada, California, Arizona, New Mexico, Colorado, Wyoming.	225,000	16,500	0.0733	1.00	521	1,150,000	2,080,000
Gila.	Arizona, New Mexico.						72,500	241,000
Little Colorado.	do.						12,000	24,000
San Juan.	Arizona, New Mexico, Utah, Colorado.						149,000	341,000
Grand.	Colorado, Utah.						703,000	1,316,000
Green.	Utah, Wyoming, Colorado.						812,000	1,516,000
Minor tributaries.	Arizona, New Mexico, Utah, Nevada, California.						20,000	40,000
Total.		225,000				521	2,918,500	5,546,000

IX. SOUTHERN PACIFIC.<sup>f</sup>

Minor streams (southern Pacific).....	California.....	22,800	7,410	0.326	4.42	283	36,400	88,300
San Francisco Bay:	California, Oregon.....	31,400	45,500	1.45	19.70	1,480	2,420,000	4,580,000
Sacramento.....	California.....	16,500	16,800	1.02	13.80	530	759,000	3,140,000
San Joaquin.....								
Total.....		70,700				2,193	3,215,400	7,808,300

X. NORTHERN PACIFIC.<sup>f</sup>

Columbia R.....	Oregon, Idaho, Wyoming, Montana, Washington, Nevada.	231,400	312,000	1.35	18.30	9,850	4,080,000	6,250,000
Willamette.....	Oregon.....						402,000	1,470,000
Des Chutes.....	do.....						953,000	1,928,000
John Day.....	do.....						79,700	158,000
Snake.....	Oregon, Washington, Idaho, Wyoming, Nevada.....						1,880,000	4,308,000
Spokane.....	Washington, Idaho.....						577,000	810,000
Yend Oreille (Clark Fork).....	Idaho, Montana.....						1,450,000	2,620,000
Yakima.....	Washington.....						194,000	626,000
Kootenai.....	Montana, Idaho.....						207,000	357,000
Minor tributaries, Columbia.....	Oregon, Washington.....	14,300	59,200	4.15	56.30	1,870	718,000	1,230,000
Puget Sound.....	Washington.....	44,700	111,000	2.48	33.60	3,500	719,000	1,400,000
3471 Minor streams, Northern Pacific.....	California, Oregon, Washington.....						1,860,000	3,560,000
Total.....		290,400				15,220	12,979,700	24,701,000

## XI. GREAT BASIN.

Wasatch Mountains drainage.....	Utah, Wyoming, Idaho.....	44,300	7,620	0.172	2.33		92,000	149,000
Humboldt.....	Nevada.....	25,200	2,420	.096	1.30		20,000	30,000
Sierra Nevada drainage.....	California, Nevada, Oregon.....	55,900	15,900	.338	4.58		396,000	607,000
Minor streams in Great Basin.....	California, Nevada, Utah, Oregon.....	97,600	10,100	1.03	1.40		10,000	15,000
Total.....		223,000					518,000	801,000

<sup>a</sup> Values of drainage areas and discharge of the Great Lakes drainages derived chiefly from report of E. S. Wheeler, assistant engineer, U. S. Army. The discharge value is given for each of the Great Lakes as a unit from 1860 to 1892, and includes the run-off from both land and water surfaces. It shows the total discharge from both United States and Canadian territory.

<sup>b</sup> Includes Lake St. Clair.

<sup>c</sup> 3,500,000 horsepower at Niagara Falls on the basis of mean annual discharge.

<sup>d</sup> Includes Owasatchable River and minor St. Lawrence tributaries above Ogdenburg, N. Y.

<sup>e</sup> Total horsepower of Niagara River and of tributaries to the Great Lakes in United States.

<sup>f</sup> Southern Pacific included between Mexican line and Point Bonita, Cal.

<sup>g</sup> Exclusive of Tulare Lake drainage (see Sierra Nevada drainage).

<sup>h</sup> Includes Tulare Lake drainage.

<sup>i</sup> Northern Pacific included between Point Bonita, Cal., and Canadian line.

<sup>j</sup> Includes drainage area and flow in Canada, but does not include power.

<sup>k</sup> Does not include Tulare Lake drainage (see San Joaquin River).



*Estimate of stream flow and water power in the United States—Continued.*

XII. HUDSON BAY.

Stream.	States drained.	Drainage area (square miles).	Flow from area.			Horsepower.	
			Second-foot per square mile.	Per annum.		Minimum.	Assumed maximum development.
				Depth in inches.	Billion cubic feet.		
Red (of the North) <sup>a</sup> .....	North Dakota, Minnesota.	50,000	0.128	1.74	203	25,000	52,000
St. Mary.....	Montana.	1,510	2.31	31.40	48	20,500	120,000
Rainy <sup>a</sup> .....	Minnesota.	11,500	1.00	13.60	363	20,300	40,600
Total.....		62,150			614	75,800	212,600

<sup>a</sup> Includes drainage area and flow of Pembina and Mouse rivers in Canada, but does not include power.

<sup>b</sup> Drainage in United States only.

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GENERAL SUMMARY.

Principal drainages.	Drainage area (square miles).	Flow per annum (billion cubic feet).	Minimum.	Assumed maximum development.
Northern Atlantic to Cape Henry Va.....	159,879	8,942		
Southern Atlantic to Cape Sable, Fla.....	123,920	8,660	1,253,000	1,367,800
Eastern Gulf of Mexico to Mississippi River.....	142,220	6,867	599,000	963,000
Western Gulf of Mexico west of Vermilion River.....	a 433,700	a 2,232	433,760	822,660
Mississippi River (tributaries from east).....	333,600	12,360		
Mississippi River (tributaries from west, including Vermilion River).....	b 906,200	b 9,580	3,946,970	7,068,000
St. Lawrence River to Canadian line.....	299,720	8,883	6,662,480	8,060,060
Colorado River above Yuma, Ariz.....	228,000	521	2,918,500	5,546,000
Southern Pacific to Point Bonita, Cal.....	70,700	2,168	3,218,400	7,808,800
Northern Pacific.....	260,400	16,220	12,978,700	24,701,000
Great Basin.....	223,000		518,000	801,000
Hudson Bay.....	62,160	614	75,800	212,600
Total.....	3,269,489	72,672		

<sup>a</sup> Includes Rio Grande in Mexico.

<sup>b</sup> Includes drainage in Canada.

## PART VII.

# COOPERATION BETWEEN INDIAN SERVICE AND FORESTRY BUREAU.

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### 1153 PLAN FOR COOPERATION BETWEEN THE INDIAN OFFICE AND THE FOREST SERVICE.

#### PURPOSE.

Under the conditions herein defined the Forest Service will undertake:

1. The sale of timber and the supervision of logging on Indian reservations, under methods which will improve the forest and yield the full market value of all timber cut.
2. The protection of all forests on Indian reservations, whether they are now being cut over or not.
3. A study of the forests on Indian reservations to determine the best permanent use of the lands upon which they grow; and where these are more valuable for forest purposes than for any other, the preparation and application of plans for their management.

#### CONDITIONS.

If the Forest Service undertakes this work it will be necessary:

1. That the salaries and expenses of all men actually employed to carry out this cooperative agreement and all necessary expenses for equipment and supplies shall be borne by the Indian Office.
2. That all men so employed and all those already employed in forest work on Indian reservations shall constitute a part of the force of the Forest Service, responsible directly and only thereto.
3. That in the employment of Indian labor, in keeping liquor away from the Indians, and in other essential ways the Forest Service will apply in its administration of forest matters the policies of the Indian Office for the welfare of the Indians; but that work in the woods under policies agreed upon by the Indian Office and the Forest Service shall be planned, initiated, and conducted wholly by officers of the Forest Service.

#### GENERAL PLAN.

In carrying out the proposed agreement, the Forest Service will work along these main lines:

1. *Organization.*—In handling Indian forest lands, the Forest Service will conform to the policy, standards, organization, and methods of similar work upon national forests. So far as possible the forests on Indian reservations will be put under the charge of forest officers who administer neighboring national forests. Where this is impossible, as in Minnesota, Wisconsin, and Michigan, the Forest Service will assign other officers to the work. All phases of forest work on Indian reservations will be thoroughly inspected by the inspectors of the Forest Service now organized in six districts in the West for the inspection of national forests.
2. *Personnel.*—The men now employed in forest work on Indian reservations will be retained so far as they prove efficient. Those who prove inefficient will be replaced as soon as their inefficiency is determined. The force will be in-

creased by the appointment of trained men of civil-service standing; only in the case of Indians employed for patrol purposes and temporary employees will unclassified employees be appointed.

3. *Cost.*—A close estimate of the cost of the work is impossible until more is known regarding the extent of forest lands in Indian reservations and the volume of the business upon them. It is probable that these lands can be protected and plans prepared for their management at not to exceed three-fifths of a cent per acre annually. Estimating the total area of forest lands within Indian reservations at 15,000,000 acres, this would make a total annual cost of \$90,000. The annual cost of the supervision of logging, including the scaling, will probably not exceed 10 per cent on any Indian reservation, and will usually not exceed 5 per cent of its total annual returns from the sale of timber.

4. *When work can begin.*—Should this cooperative agreement be approved, the Forest Service will undertake the supervision of logging now going on upon Indian reservations as soon as the necessary funds can be made available. For those forest lands within Indian reservations upon which logging is not in progress the Forest Service will at once determine the size and distribution of the force needed to protect them. It is believed that the protecting force can be organized and at work by the beginning of the next fire season. Studies to determine the character of Indian forest lands and the best methods for their future management will be organized and pushed as rapidly as possible.

Approved, January —, 1908.

JAMES WILSON,  
*Secretary of Agriculture.*

Approved, January 22, 1908.

JAMES RUDOLPH GARFIELD,  
*Secretary of the Interior.*

1260

THE TREASURY DEPARTMENT,  
OFFICE OF THE COMPTROLLER,  
*Washington, September 3, 1908.*

THE SECRETARY OF THE INTERIOR.

SIR: I have the honor to acknowledge the receipt of your letter of August 26, 1908, in which you request my decision of a question therein presented, as follows:

"Under a cooperative agreement existing between the Bureau of Forestry and the Office of Indian Affairs, affecting the cutting of timber and other matters pertaining to forestry on various Indian reservations, the expenses incurred in the prosecution of such work by the said bureau are paid by the Indian Office from funds belonging to the Indian tribes for whose benefit the work is performed.

"It is now deemed necessary by the forester and the Commissioner of Indian Affairs to detail a clerk from the Forestry Bureau for duty in the Indian Office in order that the work there may have the supervision of one who is thoroughly familiar with its technical details, his salary to be paid by the disbursing officer of this department from funds belonging to the Indians and apportioned as far as possible among the different tribes in accordance with the amount of work performed for each.

"Before proceeding as indicated, I should like to have from you a decision as to whether or not there is any legal obstacle in the way of such an arrangement."

The detail of an employee from one department to another, with or without an agreement between the heads of the departments concerned, to perform duties which are not connected with the department from which detailed and the payment of his salary from appropriations for or moneys under the control of the department to which detailed is unauthorized (14 Comp. Dec., 294), unless express authority by statute is granted therefor, and I am not aware of any statute that either expressly or impliedly gives general authority to make such details between the Agricultural and Interior departments.

For the above reason your question is answered that there is legal objection to the proposed arrangement of which you speak.

Respectfully,

R. J. TRACEWELL,  
*Comptroller.*

1366

MAY 5, 1909.

HON. FRANCIS E. LEUPP,  
*Commissioner Indian Affairs,*  
*Department of the Interior, Washington, D. C.*

SIR: I have the honor to transmit herewith statement of account against the Indian Office for payments made on account of work on the Coeur d'Alene Indian Reservation.

If found correct, please have the necessary steps taken to have the amount, \$150.10, transferred from the proper Indian appropriation to the credit of the appropriation general expenses, Forest Service, 1909.

Very respectfully, yours,

OVERTON W. PRICE,  
*Associate Forester.*

1369

JULY 8, 1909.

THE SECRETARY OF THE INTERIOR.

SIR: I have the honor to inclose herewith a list of positions and salaries for employees required to carry on forestry work on the different Indian reservations in the United States, under authority given and appropriation made by act of Congress approved March 3, 1909 (35 Stats., 781).

I recommend approval.

Very respectfully,

R. G. VALENTINE, *Commissioner.*

[Approved by department July 8, 1909.]

JUNE 26.

Number and kind of positions.	Length of service.	Annual salary.	Cost, fiscal year 1910.	Total.
<i>Months.</i>				
Coeur d'Alene:				
4 forest guards.....	3	\$900	\$900.00	\$1,050.00
1 forest guard.....	3	600	150.00	
Colville:				
7 forest guards.....	4	900	2,100.00	2,625.00
Do.....	1	900	525.00	
Spokane (Colville):				
3 forest guards.....	4	900	900.00	1,125.00
Do.....	1	900	225.00	
Flathead:				
3 forest guards.....	6	900	1,350.00	2,137.50
Do.....	34	900	787.50	
Fort Apache: 1 forest guard.....	5	600	250.00	250.00
Fort Lapwai:				
1 forest guard.....	12	1,100	1,100.00	2,900.00
2 forest guards.....	12	900	1,800.00	
Klamath:				
8 forest guards.....	3	900	1,800.00	2,587.50
2 forest guards.....	34	900	525.00	
7 forest guards.....	5	900	262.50	250.00
Moqui: 2 forest guards.....	5	600	500.00	500.00
Navajo: 2 forest guards.....	5	600	500.00	500.00
Pima: 1 forest guard.....	5	600	250.00	250.00

MEMORANDUM PREPARED IN THE INDIAN OFFICE IN REGARD TO "COOPERATIVE PLAN"  
 WITH FOREST SERVICE.

Question 1. Is the cooperative agreement approved on January 22, 1908, by the Secretary of Agriculture and the Secretary of the Interior, respectively (copy attached), legal?

Question 2. May the Secretary of the Interior ask for and accept the assistance of the Forest Service in supervising and advising employees appointed in connection with the sale and preservation of timber on Indian reservations under the act of March 3, 1909 (35 Stat., 783; Public No. 816)?

Before referring to the decisions which are believed to sustain the validity of the cooperative agreement and the right of the Secretary of the Interior to avail himself of the assistance of the Forest Service in connection with the adminis-

tration of the act of March 3, 1909, the following brief outline will be given of the method of executing the plan of cooperation:

1. The sale of timber and the supervision of logging operations on Indian reservations is conducted under existing laws; act of February 16, 1889 (25 Stat., 673), and the act of March 28, 1908 (35 Stat., 51); and the advertisements, regulations, and contracts which control the sale of this timber are approved by the Secretary of the Interior in every case, and, when necessary, by the President.

2. The employees of the Forest Service engaged in the sale of timber, the supervision of logging operations, and the protection and study of forests on Indian reservations are paid by the Forest Service, but the Secretary of the Interior reimburses the Forest Service for such expenditures.

3. If the employees to be appointed under the section of the act of March 3, 1909, above referred to, are required to be subject to the supervision of the Forest Service, such employees will be borne upon the rolls of the Indian Office and paid from the appropriation made by said act, and where the supervision of the Forest Service will be done by an employee of the service as incident to his Forest Service work, no charge will be made on account of such supervision, but if some employee of the Forest Service is being employed solely upon supervisory work, the Forest Service should be reimbursed for the expenditures for his salary or expenses.

The legality of the use of employees of one department for work of another department and for the reimbursement for their salaries while so used is shown by the following decisions:

On June 6, 1907, the Comptroller of the Treasury held in a public decision (copy attached) that the Director of the Geological Survey might enter into a contract with the Public Printer to perform certain engraving for which Congress had made an appropriation to the Public Printer. In that decision the comptroller held;

"The performance of work by one bureau for another in the same department or by one department for another, and the transfer of supplies and other articles from one to another, and the reimbursement of the appropriation from which payment therefor was originally made by a transfer of moneys from the appropriation applicable to the procurement of the work or the purchase of the supplies or articles under the control of the bureau or department benefiting by or receiving the same, has been recognized by long practice and is often economical and advantageous. I see no legal objection to this practice." (10 Comp. Dec., 297.)

On June 10, 1907 (26 Op. Atty. Gen., 269), the Attorney-General expressed the opinion that the Secretary of Agriculture might pay for the expenses of geologists of the Geological Survey while performing duties authorized to be performed by the Secretary of Agriculture.

In a decision found in 14 Dec. of the Comp., 294, it was decided that the Secretary of the Treasury might, in his discretion, send an employee of that department to Europe to perform services for the Department of Commerce and Labor at its request, and that the Department of Commerce and Labor should reimburse the Treasury Department for the expenses of such employee. In this opinion the comptroller said:

"It has been the departmental practice for a great number of years—in fact, for such a length of time that this practice has the force of affirmative law unless clearly in conflict with law—for the head of one executive department, at the request of the head of another, to detail officers, clerks, and employees in his department to perform certain services for the benefit and use of another department where the law does not specifically provide that such officers, clerks, or employees shall be exclusively engaged on the work for which they are specifically appropriated, such detailed officers, clerks, or employees while on such detail to be under the direction and control of the head of the department detaching them; \* \* \* the latter to be reimbursed from the appropriation which would be available if the services had been performed by the officers, clerks, or employees of the department for whose use and benefit such detail is made."

Payment for services rendered and supplies furnished by one department to another is declared legal by decisions of the Comptroller of the Treasury, volume 14, pages 225, 441, 495, 513, 562, 642.

The Secretary of the Interior on June 11 submitted to the President for his approval, which was given on June 15, certain regulations for the sale of timber on the Flathead Indian Reservation, in Montana, under the act of February 16, 1890 (25 Stat., 673). These regulations provide that the logging operations under them should be conducted under the supervision of a representative of the

Forest Service whose salary and actual necessary expenses while so engaged shall be paid from the proceeds arising from the sale of timber.

On June 3 the President approved regulations which had been submitted to him by the Secretary of the Interior, which provided for the sale, under the same act, of certain timber on the Tongue River Indian Reservation, in Montana. The regulations provided for similar supervision of the logging operations by a representative of the Forest Service and for payment of the salary of such representative from the proceeds arising from the sale of timber.

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MEMORANDUM PREPARED BY MR. FINNEY.

The care, cutting, and sale of timber on the Menominee Reservation authorized by act of March 23, 1908 (35 Stat., 51), has been for the past year conducted under the so-called cooperative agreement. Yesterday's letter did not make any change, but continues the arrangement. The same arrangement is tacitly continued in the Cheyenne Reservation where cutting is in progress.

Any cooperation or use of forest service men in other Indian reservations which may have been had in the past was under no specific appropriation to the Interior Department, but was a voluntary performance by the Forest Bureau, the men acting as supervisors, rangers, etc., being carried on the forest service rolls and paid from the forest appropriation. In most instances an adjustment was later made through the presentation of a claim by the Forest Service for expense incurred, and the payment of that claim by the Indian Office, Department of the Interior. We now have a totally different situation, viz: A specific appropriation made by Congress, March 3, 1909, "To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to make investigations on Indian reservations, and take measures for the purpose of preserving living and growing timber, and removing dead timber, standing or fallen; to advise the Indians as to the proper care of forests, and to conduct such timber operations and sales of timber as may be deemed advisable and provided for by law, one hundred thousand dollars, \* \* \*."

It is clear that this appropriation is to be used, controlled, and expended by the Interior Department, and I doubt the legality of using it to pay officers and men who, though on the rolls of the Indian Office, would under the cooperative arrangement be *wholly* under the control of another department, reporting to and receiving orders from that department and not from the one charged with the care of the reservations or the disbursement of the appropriation. Further, as I understood that the whole matter of cooperation was to be considered by the present Secretary, and especially as this particular matter is new in the sense that it is an appropriation made subsequent to the old cooperative arrangement and relates to all Indian reservations (except the Menominee) yesterday's letter on this subject authorizing the Commissioner of Indian Affairs to appoint forest guards under the appropriation was purposely so drawn as to permit of their appointment without reference to the cooperative arrangement, which will result in their being appointed by and controlled by the Interior Department until such time as the Secretary shall have considered the whole matter and determined (1) whether he wants to continue the cooperative arrangement, (2) whether he wants to extend it to all Indian reservations, (3) whether the appropriation of March 3, 1909, can lawfully be so utilized.

FINNEY.

HON. FRANK PIERCE, *Acting Secretary.*

JULY 9, 1909.

1355

WASHINGTON, D. C., July 10, 1909.

HON. R. A. BALLINGER,  
*Secretary of the Interior, Seattle, Wash.:*

You did not determine whether cooperative agreement between Forestry Bureau and Indian Office for care and protection of forests on Indian reservations should be continued. Valentine advises its continuance because he has no sufficient corps of trained men for the work. I advise its continuance unless legal objection appears. Upon receiving expression of your administrative views, department will thoroughly examine its legality. Speedy decision necessary because fires are prevailing. See 35 Stat., 783. Am mailing cooperative agreement and letter.

FRANK PIERCE, *Acting Secretary.*

DEPARTMENT OF THE INTERIOR,  
Washington, July 10, 1909.

Hon. R. A. BALLINGER,  
*Secretary of the Interior.*

MY DEAR MR. SECRETARY: January 22, 1908, the Secretary of the Interior and the Secretary of Agriculture entered into an arrangement for cooperation between the Indian Office and the Forest Service relating to the care, protection, and use of timber upon Indian reservations, copy of which arrangement is inclosed. At that time there was no available appropriation for the pay of men employed in this work; but the Indian appropriation act approved March 3, 1909 (35 Stat., 783), contained the following:

"To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to make investigations on Indian reservations and take measures for the purpose of preserving living and growing timber, and removing dead timber, standing or fallen; to advise the Indians as to the proper care of forests, and to conduct such timber operations and sales of timber as may be deemed advisable and provided for by law, one hundred thousand dollars, of which ten thousand dollars shall be immediately available: *Provided*, That this section shall not apply to the Menominee Indian Reservation in Wisconsin."

The Menominee Indian Reservation was excepted because an appropriation for logging upon it was contained in act of Congress approved March 28, 1908 (35 Stat., 51), and operations are now being conducted upon that reservation under the cooperative agreement.

As you will perceive, the appropriation of \$100,000 made March 3, 1909, relates to all other Indian reservations, and is now all available for use for this purpose.

Commissioner Valentine believes that, in view of the fact that he has no trained force of forest assistants, it will be advantageous to his service if the assistance of the Forest Service can be obtained in this work, and, as indicated in my telegram to you of July 10, 1909 (copy inclosed), I am of the same opinion, unless legal objection appears.

It is necessary that early action be had in the matter, because not only of the fact that the appropriation is available and should be used for this purpose, but because forest fires are raging in some of the reservations, making the employment of the force necessary.

July 8, 1909, I signed a letter authorizing the employment of forest guards upon these reservations, so worded that the employees may be construed solely as employees of the Indian Bureau and under its control. Mr. Pinchot, Forester, says that this construction will abrogate the cooperative arrangement, so far as these Indian reservations are concerned.

In this connection it may be stated that at the time the cooperative arrangement was entered into there was no appropriation for the purpose, but the Forest Service voluntarily furnished men who acted as supervisors and rangers, and who performed some work on the various Indian reservations. These men were paid from the Forest Service appropriation, and carried upon its rolls; but in most instances an adjustment was made later by the presentation of a claim by the Forest Service for expenses incurred, and the payment of that claim by the Indian Office, Department of the Interior.

This department now has, under the said act of March 3, 1909, \$100,000 available for the care of these reservations. Under section 1 of the cooperative arrangement, and under the appropriation act, the salaries and expenses of men employed thereunder will necessarily be paid from the Indian appropriation; but section 2 of the cooperative arrangement specifically provides that men employed in forest work on Indian reservations "shall constitute a part of the force of the Forest Service, responsible directly and only thereto."

Whether you desire to continue this arrangement as to all Indian reservations under the new appropriation is the administrative question upon which I desire your decision.

I inclose herewith the following papers:

1. Copy of cooperative arrangement.
2. Copy of my letter of July 8, 1909.
3. Copy of memorandum prepared in the Indian Office in regard to cooperative plan.
4. Memorandum prepared by Mr. Finney.
5. Memorandum submitted by Commissioner Valentine.
6. Copy of comptroller's opinion of June 6, 1907.
7. Copy of comptroller's opinion of September 3, 1908.

Sincerely, yours,

FRANK PIERCE, *Acting Secretary.*

[Telegram.]

1363

SEATTLE, WASH., July 14, 1909.

PIERCE, *Acting Secretary Interior, Washington, D. C.:*

Understand Valentine had arranged cooperative agreement between Forest and Indian Office for this year. In expenditure of our appropriations cooperation should mean transfer of experts to our rolls, so as to retain jurisdiction of our service. Will advise further when agreement and letter are received.

BALLINGER.

1355

SEATTLE, WASH., July 15, 1909.

PIERCE, *Acting Secretary Interior, Washington, D. C.:*

Respecting cooperation with Forest Service for protection of timber on Indian reserves have received communication 10th instant. If cooperation is impracticable by transfer of experts to our rolls, take such action as will secure best results.

BALLINGER.

[Telegram.]

1356

WASHINGTON, D. C., July 16, 1909.

HON. R. A. BALLINGER,

*Secretary of the Interior, Federal Building, Seattle, Wash.:*

Lawler thinks our forestry appropriation can not be administered under existing cooperative agreement; therefore I have directed Valentine to proceed independently, calling, however, on Forestry Bureau for expert advice when needed.

FRANK PIERCE, *Acting Secretary.*

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JULY 17, 1909.

The COMMISSIONER OF INDIAN AFFAIRS.

SIR: Referring to act of Congress approved March 3, 1909, appropriating \$100,000 "to enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to make investigations on Indian reservations, and take measures for the purpose of preserving living and growing timber and removing dead timber, standing or fallen; to advise the Indians as to the proper care of forests, and to conduct such timber operations and sales of timber as may be deemed advisable and provided for by law," \* \* \* and to departmental letter of July 8, 1909, approving list of the positions and salaries for employees required to carry on forestry work under said appropriation, I have to advise you that in the opinion of this office the plan for cooperation between the Indian Office and the Forest Service with reference to the use and protection of forests on Indian reservations, approved January 22, 1908, can not, under existing laws, be applied to the positions created and work to be performed under said appropriation of March 3, 1909.

Said agreement provides "the Forest Service will undertake (1) the sale of timber and the supervision of logging on Indian reservations, under methods which will improve the forest and yield the full market value of all timber cut; (2) the protection of all forests on Indian reservations, whether they are now being cut over or not, \* \* \* the salaries and expenses of all men actually employed to carry out this cooperative agreement \* \* \* shall be borne by the Indian Office: \* \* \* All men so employed and all those already employed in forest work on Indian reservations shall constitute a part of the force of the Forest Service, responsible directly and only thereto. \* \* \* Work in the woods under policies agreed upon by the Indian Office and the Forest Service shall be planned, initiated, and conducted wholly by officers of the Forest Service."

This department, through the Indian Office, is charged with the administration of all Indian affairs, and by the appropriation act above referred to a fund is created to facilitate the carrying out of one branch of such administration. A power thus imposed upon one executive department can not, upon well-settled principles, be delegated to another. The effect of the agreement, however, is to delegate to a bureau of the Department of Agriculture entire direction and control over employees of your bureau, expressly eliminating responsibility of



such employees to you and the department whose functions are to be discharged by them. As above indicated this is unauthorized.

The employees designated in the list of positions approved July 8, 1909, must, therefore, be under your control, subject to direction by the Secretary of the Interior.

This department, however, feels that it should be enabled to avail itself of the knowledge and skill of the officers of the Bureau of Forestry, and desires the cooperation of that bureau in this respect. To this end it is suggested that an arrangement be made with the Department of Agriculture whereby this department may request that it be loaned, from time to time, as the exigencies of the service may require and the business of the Forest Service permit, forestry experts, to advise and aid the employees of the Indian Office in the proper care or disposition of timber upon Indian reservations, the expenses so incurred by the Forest Service to be reimbursed in the usual manner.

Very respectfully,

FRANK PIERCE, *Acting Secretary.*

1199

JULY 23, 1909.

**The SECRETARY OF AGRICULTURE.**

SIR: I have the honor to acknowledge the receipt by reference of letters to you of July 17 and July 20 from the Acting Secretary of the Interior, transmitting copies of his letters of July 17 and 19 to the Commissioner of Indian Affairs, and terminating the cooperation under the approved plan for cooperation between this service and the Indian Office in the protection of forests on Indian reservations and in the sale of timber and the supervision of logging upon them, on the ground that this cooperation is in contravention of law and of well-settled principles. The letters also ask for cooperation from the Forest Service in an advisory capacity.

In accordance with the decision of the Acting Secretary of the Interior, this service will immediately transfer to the Indian Office all forest work on Indian reservations now under its direction. Such advice and assistance as the Forest Service may be able to render along the line suggested will, with your approval, be cheerfully given.

It becomes my duty to report to you the essential features of the work done by the Forest Service on Indian reservations, which is now brought to a close:

Prior to the approval by you and by Secretary Garfield on January 22, 1908, of the plan for cooperation between the Forest Service and the Indian Office, whose application as terminated by the decision of the Acting Secretary of the Interior, this service had been cooperating in an advisory capacity with reference to Indian forest matters. This cooperation failed entirely to accomplish satisfactory results. It could not do otherwise, because it laid the responsibility for carrying out the recommendations of this service upon untrained men, who were therefore necessarily incompetent in forest matters. The result was that at the instance of Mr. Leupp, then commissioner, and Mr. Valentine, then secretary to the Commissioner of Indian Affairs, and after several conferences between these gentlemen and myself, the plan for cooperation was drawn up. This plan, as approved by you and by Secretary Garfield, was based on the joint experience of the two bureaus, and specifically provided that the Forest Service should undertake:

**"PURPOSE.**

"1. The sale of timber and the supervision of logging on Indian reservations, under methods which will improve the forest and yield the full market value of all timber cut.

"2. The protection of all forests on Indian reservations, whether they are now being cut over or not.

"3. A study of the forests on Indian reservations to determine the best permanent use of the lands upon which they grow; and where these are more valuable for forest purposes than for any other, the preparation and application of plans for their management."

It further provided:

**"CONDITIONS.**

"1. That the salaries and expenses of all men actually employed to carry out this cooperative agreement, and all necessary expenses for equipment and supplies, shall be borne by the Indian Office.

"2. That all men so employed and all those already employed in forest work on Indian reservations shall constitute a part of the force of the Forest Service, responsible directly and only thereto.

"3. That in the employment of Indian labor, in keeping liquor away from the Indians, and in other essential ways the Forest Service will apply in the administration of forest matters the policies of the Indian Office for the welfare of the Indians, but that work in the woods under policies agreed upon by the Indian Office and the Forest Service shall be planned, initiated, and conducted wholly by officers of the Forest Service."

The plan for cooperation thus entrusted to the Forest Service the handling of forest matters upon Indian reservations under policies for the administration of Indian matters prescribed by the Indian Office, the salaries and other expenses of the work being borne by the latter.

#### 1. SALE OF TIMBER AND SUPERVISION OF LOGGING.

During the past logging season the Forest Service, under clause 1 of the statement of purpose of the plan of cooperation, has supervised timber sales or logging, or both, on the Bad River, Red Lake, Grand Portage, Lac Courte Oreille, Lac du Flambeau, Leech Lake, Northern Cheyenne, Flathead, Klamath, Pine Ridge, Rosebud, San Carlos, and Menominee Indian reservations.

On the Bad River Reservation the Forest Service handled what was probably the largest single logging operation ever carried out in the United States. The logs were scaled by 31 scalers, whose scale was checked by three inspectors. The total cut made on this reservation under the supervision of the Forest Service amounts to about 170,000,000 feet. During these operations there were at one time under the direction of the service 900 men burning slash resulting from the logging, as a precaution against fire.

This service supervised last winter the logging of about 3,000,000 feet of fire-killed timber on the Red Lake Reservation, for which the Indians received over \$25,000. Complete reports have not yet been received of last winter's cut on the Grand Portage, Lac Courte Oreille, Lac du Flambeau, and Leech Lake reservations. The information at hand indicates that the total cut on these reservations will be about 10,000,000 feet.

After an examination by this service contracts have just been closed for the sale of fire-killed timber on 16 allotments under the Leech Lake Agency. 1201 These contracts provide that an officer of the Forest Service shall supervise the cutting. Under the decision of the Acting Secretary of the Interior this provision can not be carried out.

Logging rules for the sale of approximately 20,000,000 feet of wind-thrown timber on the Northern Cheyenne Reservation were drawn up by this service and recently approved by the Department of the Interior. This timber is now being advertised for sale. The form of contract provides for supervision of the logging by an officer of the Forest Service. Under the decision of the Acting Secretary of the Interior this provision can not be carried out.

Logging rules for the sale of dead, down, and insect-infested timber on both allotted and unallotted land within the Flathead Indian Reservation were recently drawn up by the service and approved by the Department of the Interior. One sale of approximately 2,000,000 feet and another of less amount are now pending. The form of contract provides for supervision of these sales by an officer of the Forest Service. Under the decision of the Acting Secretary of the Interior this provision can not be carried out.

On the Klamath, Pine Ridge, Rosebud, and San Carlos reservations the Forest Service has supervised cuttings made by Indians. Formerly the Indians on the Klamath Reservation were in the habit of selecting any trees which suited them, taking what timber they wanted and leaving the rest. Very valuable trees were often cut to obtain a little timber for which inferior trees would have served equally well. The tops were not trimmed nor the slash piled, burned, or otherwise disposed of as a safeguard against fire. This waste has been entirely stopped and without any hardship to the Indians. The necessary precautions have been enforced for the disposal of brush.

On the San Carlos Reservation no provision has been made for restocking the cut-over areas by leaving seed trees, and only such logs were used as would make clear lumber. Cutting is now being done so as to provide adequately for the future of the forest and to eliminate unnecessary waste in logging.

When the service took charge of lumbering on the Menominee Indian Reservation, it found between 30,000,000 and 40,000,000 feet of logs cut, with practi-

cally no provision for their transport or manufacture. Much of the soft-wood timber, which would float well and therefore should be transported to mill by water, had been banked far from any stream. Much of the hard-wood timber, too heavy to float well and which should be transported by rail, was found either mixed indiscriminately with the soft-wood timber or in the bed of an unimproved stream, or in rollways so built as to be exceedingly costly and dangerous to break. As the result, loss of about one-third in the value of the timber before it could be gotten to mill was made unavoidable. The logging had been wasteful of timber and destructive to the forest. The Indian agent had brought serious loss upon the Indians by selling timber for much less than its actual value, and by letting contracts for logging at excessively high rates. He has since been removed.

The superintendent of logging on the same reservation had permitted violations of almost every important provision of the logging contracts. These contracts were so drawn that they necessarily involved great loss to the Indians. The superintendent of logging had officially approved work done by contractors which was in flagrant violation of the contracts themselves, and has allowed full scale for unsound logs. He has since been removed.

As the result of failure by those to whom the interests of the Indians were intrusted to get the full value of their timber, the task of the Forest Service in adjusting the contractors' claims was one of the most difficult undertaken upon the Menominee. The service investigated the claims, checked the scale, inspected work done in the woods, and recommended settlement with the contractors on the basis of full payment for good work, reduced payment for bad work, and no payment for work undone. The contractors were settled with accordingly.

Since the Forest Service took charge of lumbering on the Menominee in March, 1908, it has, in addition to the work already outlined, accomplished the following main results:

The construction of a modern sawmill with two band saws, a horizontal resaw, and lath, picket, and shingle machines, was begun in June, 1908. The mill was sawing lumber by January 15, 1909, and by March 15 was running with a full force on day and night shifts. A large hot pond for handling logs in winter when the stream is frozen was also constructed in time for use last winter. Other necessary equipment of the sawmill is ready and in use, and the mill is operating and is complete in all its parts.

At Neopit, where the sawmill is located, the service has constructed and has now in use a large central warehouse for supplies needed there and for distribution to construction and logging camps; a boarding house for saw-1202 mill employees, accommodating 200 men; and the necessary dwellings for the superintendent and his foreman employed in the mill and in the woods. An office has been built, and a complete sewerage system has been installed. The Indians employed in work in the mill and in the woods or engaged in private business incident thereto have also built many houses for themselves.

The Forest Service found that the streams needed to drive logs cut on the Menominee Reservation were either entirely unimproved or so poorly improved as to be useless for driving purposes. It has improved about 25 miles of these streams, which are now being used as the chief means of bringing logs to the mill. The work was heavy, in one instance requiring the blasting of a rock channel one-quarter of a mile long. In several swamps it was necessary to construct long wing dams in order to confine the streams. The stream improvement required the construction of one large storage dam and two splash dams and the reconstruction of three dams built before the service took charge. The new storage dam at Neopit is 466 feet long, gives a 12-foot head of water, forms the storage pond for the mill, and furnishes water power for lighting the town at Neopit and the sawmill by electricity.

Upon the initiative of the Forest Service the Wisconsin and Northern Railroad has constructed a branch logging railroad for transporting logs cut upon the reservation to Neopit. This branch line is 12 miles long, not including several spurs built by this service.

The logging operations on the Menominee Reservation required the immediate building of a good tote road from Neopit to the west line of the reservation, a distance of about 12 miles. This road is now used for transporting supplies to the camps. Previously no road existed, except a mere trail through the woods, used mainly by the Indians going to and from the agency.

The Forest Service has constructed upon the Menominee about 28 miles of telephone lines, with 12 instruments, connecting the camps and dams. This line has proved invaluable as an aid in fire protection, and in logging and river driving.

The number of Indians employed on the Menominee increased from 68 in May, 1908, to 317 in May, 1909. The Indians were given preference over white men for employment, and any Indian on the Menominee willing to work had no reason to be without it. The results of steady and profitable employment to the Indians themselves have been admirable. Several of them occupy positions of considerable responsibility, such as time clerk, warehouse clerk, engineer in charge of a gasoline log loader, and assistant engineer in the mill. One of the river driving crews consisted of 38 men, all of whom were Indians except the foreman, and whose work compared favorably with that of white crews.

The disposal of the Indians' lumber sawed in the Menominee mill has been greatly hampered by failure to approve promptly the necessary business regulations governing sales. Long before any large quantity of lumber had accumulated at the mill a draft of regulations was submitted to the Department of the Interior to govern all sales of lumber. These regulations were returned so modified as to render profitable sales impossible, as a trial sale fully demonstrated. After further representations, regulations reasonably favorable were finally approved, but approval was delayed for nearly two months.

On several other reservations timber was marked for conservative cutting. Directions were given as to the establishment and removal of sawmills, and methods prescribed for handling timber matters, so as to insure the greatest permanent benefit to the Indians. The employment of Indian labor generally in the woods has greatly increased under the supervision of this service.

On every Indian reservation, except the Bad River, upon which the Forest Service has inspected or directed timber work, it was found necessary to change the methods of logging completely, so as to secure full utilization of commercial timber, the safety of the forest from fire, and its perpetuation by natural reproduction. Important changes in personnel were found to be necessary.

## 2. PROTECTION OF INDIAN RESERVATIONS FROM FIRE.

This work comprised the organization by the Forest Service of fire patrol upon six Indian reservations—the Coeur d'Alene, Klamath, Menominee, Pine Ridge, Rosebud, and San Carlos. These were the only Indian reservations for which the necessary funds were allotted by the Department of the Interior for maintaining a protective force.

The results attained by the fire patrol organized upon these reservations and the conditions existing before it was organized are as follows:

*Coeur d'Alene.*—At the time the Forest Service established a protective force on this reservation a forest fire was burning with a front 6 miles wide. 1203 It was fought in a remote and difficult country for thirty-six days by a daily average of 46 men. This fire would not have gotten started had an efficient protective force been patrolling the reservation. The cost of extinguishing it (\$6,400) was greatly increased by the necessity of constructing trails over which to bring in men and supplies. About 250,000,000 feet of timber was saved, worth about \$500,000, which otherwise would have burned.

*Klamath.*—The protective force extinguished seven forest fires last season on the Klamath Indian Reservation. These fires covered a total area of 76,520 acres and destroyed about 105,000,000 feet b. m. of timber, worth approximately \$210,000. Had funds to organize an efficient fire patrol been made available in June, when the fires started, as was repeatedly urged, this loss would have been avoided. The total cost of extinguishing the fires was \$701.10.

It is difficult to estimate how great the damage would have been had not the fires on the Klamath been put out. They would have burned until extinguished by natural causes. Since practically no rain fell until October, they would have had over three months in which to burn, and the loss would have been many times as large as it was.

*Menominee.*—Forest fires did more damage in the Lake States in the fire season of 1908 than for many years, and especially heavy loss was incurred in Wisconsin. Upon the Menominee Reservation, with its 10 townships of valuable timber in the midst of a forest region which suffered exceptionally heavy injury, no important fire damage was done. Destructive fires raged on all sides of the reservation. The protective force fought and kept back every fire which came

dangerously near the reservation line and put out every fire within the reservation while it was still small. With nearly a thousand men at construction work in 9 camps and at Neopit, with 300 men more in railroad camps at work upon the right of way of the Wisconsin and Northern, and with the forest so dry that the leaves began to fall before frost, fires broke out constantly. At one time 500 men were fighting fire. The report of a fire near a camp was notice to drop all other work until it was put out. Patrolmen constantly rode the lines of the reservation, and the telephone lines which had been installed made it possible to get into speedy communication with camps whenever help was needed. The result was that less than half a section was burned over, although 50 fires were put out. The total cost of fire fighting was \$7,980.27. Most of this was spent in fighting fires which endangered the reservation, but were still outside.

The practical elimination of damage by forest fires on the Menominee Reservation was unprecedented. The reservation contains approximately one and three-quarter billion feet of timber, worth about \$10,500,000, all of which would have been seriously endangered and much of it destroyed, except for the work of the protective force.

*Pine Ridge.*—In the spring of 1908, just before the organization of a protective force, forest fires destroyed timber worth about \$100,000. Since the organization of the patrol, the damage has been entirely insignificant.

*Rosebud.*—Forest fires have heretofore been frequent. Since the organization of a fire patrol there have been no fires.

*San Carlos.*—Since the organization of a fire patrol no forest fires have been reported. Destructive forest fires were formerly frequent and damage was done every year.

Before the application of the plan for cooperation there was no efficient fire patrol on any Indian reservation. Since its application the Forest Service has accomplished the results outlined above. The plan for cooperation provided that the Forest Service should give adequate fire protection to all Indian reservations, and detailed estimates and preparations for this work had been made. But except for the six reservations above mentioned, the Department of the Interior has failed to notify the Forest Service of the allotment of the necessary funds. An appropriation of \$100,000 has since July 1 been available in the Department of the Interior for protecting this timber, \$10,000 of which became available on March 3 upon the passage of the act.

Detailed estimates were presented to the Department of the Interior on April 15 and 28 for the protection of Indian reservations from fire during the present fire season, and the allotment of the necessary funds in accordance with the plan of cooperation was requested. Renewed requests were made for the allotment of these funds as the fire season approached. On July 9 the Department of the Interior was notified that forest fires were burning on Indian reservations, notably on the Yakima Indian Reservation, in Washington, and that the failure to allot the necessary funds immediately might involve great loss to the Indians. The Forest Service has not been advised of the allotment of the necessary funds.

### 3. STUDIES TO DETERMINE THE BEST USE OF INDIAN TIMBER.

Under clause 3 of the statement of purpose of the plan for cooperation, studies were made on the Cœur d'Alene, Flathead, Hoopa Valley, Klamath, Leech Lake, Nez Perce, Northern Cheyenne, Qualla, Red Lake, Siletz, 1204 and Spokane Indian reservations and on lands in Oregon belonging to Absentee Wyandottes. The work done is briefly as follows:

*Cœur d'Alene.*—The area burned over by the forest fires of last fall was studied to find out whether the fire-killed timber could be sold. It was found that nearly all this timber was so badly burned as to be unmerchantable, and that what little remained was too difficult of access to be salable.

*Flathead.*—The dead and down timber on this reservation was examined and regulations were drawn up for its sale.

*Hoopa Valley.*—A detailed examination was made last summer as a basis for a plan for the conservative management of forests on this reservation. The forest maps made in connection with this work are the first reliable maps of the locality.

*Klamath.*—A study was made of the advisability of changing the location of the agency sawmill.

*Leech Lake.*—Fire-killed timber was examined, and regulations for its sale were drawn up.

*Nez Perce.*—A detailed study was made of the 32,000 acres of valuable timber lands on this Indian timber reserve, and plans were prepared for their conservative management.

*Northern Cheyenne.*—A large body of wind-thrown timber was examined as a basis for sale and is now under advertisement.

*Qualla.*—A proposed sale by the tribe of 3,200 acres of timber land for \$20,959 was examined to determine whether this price was adequate. The timber land was found to be worth \$46,800, and as a result the sale for \$20,959 was disapproved.

On the same reservation a timber trespass committed by a lumber company was investigated, and settlement followed.

*Red Lake.*—A detailed study of the forests was begun in June, 1909. This study covers one of the most important bodies of pine timber in the Lake States.

*Siletz.*—A detailed study of the timber land was made as a basis for conservative management.

*Spokane.*—The need for erecting a sawmill was investigated, its character and location determined, and plans were prepared for logging Indian allotments.

*Wyandottes.*—An examination was made to determine the value of allotments made to Absentee Wyandotte Indians in Lake and Klamath counties, Oreg. The report showed the land with the timber to be worth \$20 per acre, instead of the value of \$8 previously placed upon it.

The plan for cooperation placed upon this service the direct responsibility, so far as the necessary funds were provided by the Department of the Interior, for the protection and conservation of forests on Indian reservations. These forests cover 12,000,000 acres and contain timber worth \$75,000,000. The decision of the Acting Secretary of the Interior now relieves the Forest Service and places this responsibility upon the Indian Office.

This service desires to record its obligations to Mr. Leupp, the former, and to Mr. Valentine, the present Commissioner of Indian Affairs, for earnest cooperation and assistance. To Mr. Valentine is mainly due the existence of the plan for cooperation as a whole, and he has given to its application, first as secretary to the commissioner, then as assistant commissioner, and later as commissioner, his vigorous and consistent support.

I note the suggestion that the Department of the Interior should still be enabled to avail itself of the knowledge and skill of the officers of the Forest Service. One of the duties of this service is to advise forest owners how to handle their holdings under the principles of practical forestry. The service will be prepared, so far as may be consistent with the performance of other duties intrusted to it, to advise regarding the care of forests within Indian reservations. It should be noted at the outset, however, that the absence of men in the Indian Office technically qualified to carry out the advice given will necessarily deprive it of the greater part of its value. Since the decision of the Acting Secretary of the Interior forbids the direction of any phase of forest work on Indian reservations by the experts of the Forest Service, the responsibility for this work in all its parts will necessarily rest wholly upon the Department of the Interior.

Since the termination of the plan for cooperation is clearly within the discretion of the Department of the Interior, it would serve no useful purpose to discuss the legality of that plan. But, lest the Forest Service might be thought to have acted hastily in recommending the plan for cooperation to you for approval, I have the honor to report that its legality was fully considered in both departments at the time it was agreed upon; that the Auditor for the Department of the Interior has approved the accounts under it since cooperation began; and that similar cooperation between departments is now and has long been in existence.

1205 I have the honor to transmit herewith a map showing the location of the Indian reservations herein referred to, and I shall transmit hereafter photographs illustrating important phases of the work described.

Very respectfully,

GIFFORD PINCHOT,  
Forester.

1259

OCTOBER 7, 1909.

HON. R. G. VALENTINE,  
*Commissioner of Indian Affairs,*  
*Department of the Interior*

DEAR MR. VALENTINE: The letter dated September 13, from the President to the Secretary of the Interior, since made public, contains the following statement with reference to the termination of the cooperative agreement between the Department of the Interior and the Department of Agriculture, for handling forests on Indian reservations:

"Your declination to carry out the contract was made necessary by a ruling of the comptroller, whose ruling is final and without appeal even to the President, that such an arrangement is a delegation of responsibility and authority for the expenditure of money which the appropriation by Congress for the Indian Bureau did not authorize. While I agree that it would avoid wasteful duplication in organization to authorize the Forestry Bureau of the Agricultural Department to take care of and develop the forests on Indian reservations, because the Forestry Bureau is much better able with its trained men to do the work with efficiency and economy, it is plainly necessary, in view of the comptroller's ruling, to secure congressional sanction for such cooperation."

Mr. Price tells me that in the conferences between yourself, Acting Secretary Pierce, and him regarding the cooperative agreement, no reference was made to a decision of the comptroller as the basis for its termination. The letters of the Acting Secretary of the Interior, transmitted through your office, terminating the cooperative agreement do not mention such a decision. Under these circumstances, and since the Auditor for the Department of the Interior approved accounts under the cooperative agreement since cooperation began, I would be very glad if you would inform me to what decision of the comptroller the letter refers.

Very sincerely, yours,

GIFFORD PINCHOT, *Forester.*

1260

OFFICE COMMISSIONER OF INDIAN AFFAIRS,  
*Washington, October 8, 1909.*

HON. GIFFORD PINCHOT,  
*Forester, United States Forest Service.*

MY DEAR MR. PINCHOT: I have your letter of October 7, asking me about the decision of the comptroller to which the President refers in his letter of September 13 to the Secretary of the Interior. After the President's letter appeared I made inquiries as to what was the decision referred to and was told that it was a written opinion of the comptroller dated September 3, 1908, a copy of which I inclose. Of course, I knew of this decision at the time it was made, but neither then nor at any time after, until I made the inquiries above mentioned, was I informed that this decision bore in any way on the general legality of the cooperative agreement.

Sincerely, yours,

R. G. VALENTINE, *Commissioner.*

1365

DEPARTMENT OF THE INTERIOR,  
 OFFICE OF INDIAN AFFAIRS,  
*Washington, March 4, 1910.*

I hereby certify that the attached copy, pages 1 to 129, are true and literal exemplification of copies of vouchers and other papers on file in this office pertaining to the reimbursement of the Forest Service for work performed in connection with timber upon Indian reservations.

[SEAL.]

F. H. ABBOTT, *Acting Commissioner.*

**Portion of file in Indian Office relating to reimbursement to Forest Service for work performed in connection with timber on Indian reservations.**

1415 [Department of the Interior, Office of Indian Affairs, Washington. Claim No. 191841.]

**FOREST SERVICE.**

For services rendered from December 1, 1908, to March 31, 1909, on all the Indian reservations where cooperative timber work has been conducted, principally those in the Lake States.

Indian moneys, proceeds of labor, Chippewas of Lake Superior, Bad River.....	\$154. 50
Indian moneys, proceeds of labor, Coeur d'Alenes.....	10. 00
Indian moneys, proceeds of labor, Flathead.....	10. 00
Indian moneys, proceeds of labor, Klamath.....	10. 00
Indian moneys, proceeds of labor, La Pointe, Lac Courte Oreille.....	31. 00
Indian moneys, proceeds of labor, Chippewas of Lake Superior, Lac du Flambeau.....	61. 00
Indian moneys, proceeds of labor, Leech Lake.....	25. 00
Indian moneys, proceeds of labor, Menominee.....	185. 16
Indian moneys, proceeds of labor, Nez Perce.....	20. 00
Indian moneys, proceeds of labor, Pine Ridge.....	10. 00
Indian moneys, proceeds of labor, Red Lake.....	50. 00
Indian moneys, proceeds of labor, San Carlos.....	5. 00
Indian moneys, proceeds of labor, Siletz.....	5. 00
Indian moneys, proceeds of labor, Spokane.....	5. 00
Indian moneys, proceeds of labor, White Earth.....	10. 00
Indian moneys, proceeds of labor, Yakima.....	10. 00
Care and protection of Indian timber lands, 1909 and 1910.....	159. 43

761. 09

Settled May 17, 1909.

T. W., *Examiner.*

1416

**UNITED STATES DEPARTMENT OF AGRICULTURE,  
FOREST SERVICE,  
Washington, May 10, 1909.**

OAZ]

The COMMISSIONER OF INDIAN AFFAIRS,  
*Department of the Interior, Washington, D. C.*

SIR: In further reply to letter of May 6 from Mr. Dortch:

I have the honor to return statement of account against the Indian Office covering payments made by the Forest Service amounting to \$792.09 for services rendered beginning December 1, 1908, and ending March 31, 1909, on various Indian reservations. The statement is accompanied by a supplement setting forth in detail the items chargeable to each reservation on which cooperative work has been conducted. I hope that the account will now be in proper form for settlement.

Very respectfully,

G. G. ANDERSON, *Acting Forester.*

Settled May 17, 1909.

A-3]

G. E. S.

Supplement to statement of April 24, 1909, covering payments made by the Forest Service for services rendered beginning December 1, 1908, and ending March 31, 1909, on various Indian reservations, amounting to a total of \$792.09.

One-half of the salary of A. B. Patterson, Harry Irion, and L. Gartrell from December 1, 1908, to March 2, 1909, inclusive, amounting to \$507.24, is chargeable against the funds belonging to the various reservations, as follows:

Bad River.....	\$100. 00
Coeur d'Alene.....	10. 00
Flathead.....	10. 00
Fond du Lac.....	10. 00
Grand Portage.....	12. 00
Klamath.....	10. 00
Lac Courte Oreille.....	20. 00
Lac du Flambeau.....	45. 00



Leech Lake.....	\$25. 00
Menominee.....	150. 24
Nez Perce.....	20. 00
Pine Ridge.....	10. 00
Red Lake.....	50. 00
San Carlos.....	5. 00
Siletz.....	5. 00
Spokane.....	5. 00
White earth.....	10. 00
Yakima.....	10. 00

507. 24

One-half of the salary of Mr. Patterson, Mr. Irion, and Miss Gartrell for the period from March 3 to 31, inclusive, amounting to \$159.43, is chargeable against the \$10,000 appropriation made immediately available for timber work on the Indian Reservations by the act of March 3, 1909 (Public, No. 316).

The expense account of Mr. A. B. Patterson for the period December 8 to 31, inclusive, amounting to \$94.87, is chargeable to the various reservations, as follows:

Bad River.....	\$46. 00
Lac Courte Oreille.....	11. 00
Lac du Flambeau.....	16. 00
L'Anse.....	9. 00
Menominee.....	12. 87

Total..... 94. 87

Mr. Patterson's transportation on December 11 and 30 is chargeable, as follows:

Bad River.....	\$8. 50
Menominee.....	22. 05

Total..... 30. 55

1417 [36666. Office of Indian Affairs. Received May 12, 1909.]

## RECAPITULATION.

	Salaries of A. B. Patterson, H. Irion, and L. R. Gartrell.		Expenses of A. B. Patterson, Mar. 3-31, 1909.	Transportation A. B. Patterson, Dec. 11, 12, 30, 1908.	Total.
	Dec. 1, 1908-Mar. 31, 1909.	Mar. 3-31, 1909.			
Bad River.....	\$100. 00		\$46. 00	\$8. 50	\$154. 50
Coeur d'Alene.....	10. 00				10. 00
Flathead.....	10. 00				10. 00
Fond du Lac.....	10. 00				10. 00
Grand Portage.....	12. 00				12. 00
Klamath.....	10. 00				10. 00
Lac Courte Oreille.....	20. 00		11. 00		31. 00
Lac du Flambeau.....	45. 00		16. 00		61. 00
L'Anse.....			9. 00		9. 00
Leech Lake.....	25. 00				25. 00
Menominee.....	150. 24		12. 87	22. 05	185. 16
Nez Perce.....	20. 00				20. 00
Pine Ridge.....	10. 00				10. 00
Red Lake.....	50. 00				50. 00
San Carlos.....	5. 00				5. 00
Siletz.....	5. 00				5. 00
Spokane.....	5. 00				5. 00
White Earth.....	10. 00				10. 00
Yakima.....	10. 00				10. 00
Fund appropriated, March 3, 1909.....		\$159. 43			159. 43
Total.....	507. 24	159. 43	94. 87	30. 55	792. 09

a Care and protection of Indian timber lands, 9 and 10.

May 12, 1909. I certify that the above statement is correct.  
Settled May 17, 1910.

(Signed)

G. G. ANDERSON, Acting Forester.

G. H. S.

UNITED STATES DEPARTMENT OF AGRICULTURE,  
FOREST SERVICE,  
Washington, April 24, 1910.

AZO]

HON. FRANCIS E. LEUPP,

*Commissioner of Indian Affairs,**Department of the Interior, Washington, D. C.*

SIR: I have the honor to transmit herewith statement of account against the Indian Office covering payments made by the Forest Service on account of work on various Indian reservations.

The expenses of Mr. A. B. Patterson during the period December 8 to 31 were incurred on account of the Bad River, Lac Courte Oreille, Lac du Flambeau, L'Anse, and Menominee reservations, and one-half of the salaries of Mr. Patterson, Mr. Irion, and Miss Gartrell, for the period December 1 to March 31, is chargeable to all of the Indian reservations where cooperative timberwork has been conducted, principally to those in the Lake States. These charges can not well be definitely divided between the various reservations.

If the statement is found correct, please have the necessary steps taken to have the amount, \$792.09, transferred from such Indian appropriations as may be available to the credit of general expenses, Forest Service, 1909.

Very respectfully, yours,

WM. L. HALL, *Acting Forester.*

Bad River, Lac Courte Oreille, Lac du Flambeau, L'Anse, Menominee.

1418 Statement of payments made by the United States Forest Service for services rendered, beginning December 1, 1909, and ending March 31, 1909, on all of the Indian reservations where cooperative timberwork has been conducted, principally these in the Lake States.

Payee.	Period.	Amount.
<b>Salaries:</b>		
A. B. Patterson (one-half) .....	Dec. 1-31	\$75.00
Do. ....	Jan. 1-31	75.00
Do. ....	Feb. 1-28	75.00
Do. ....	Mar. 1-31	75.00
Harry Irion (one-half) .....	Dec. 1-31	50.00
Do. ....	Jan. 1-31	50.00
Do. ....	Feb. 1-28	58.33
Do. ....	Mar. 1-31	58.34
Laura R. Gartrell (one-half) .....	Dec. 1-31	37.50
Do. ....	Jan. 1-31	37.50
Do. ....	Feb. 1-28	37.50
Do. ....	Mar. 1-31	37.50
<b>Expenses: A. B. Patterson. ....</b>	<b>Dec. 8-31</b>	<b>94.87</b>
<b>Transportation, A. B. Patterson:</b>		
December 11, 1908, T. R. 24219—Milwaukee to Ashland .....		8.50
December 30, 1908, T. R. 24220—Oconto, Wis., to Washington, D. C. ....		22.05
<b>Total .....</b>		<b>792.09</b>

APRIL 24, 1909.

I certify that the above bill is correct and just, and that payment therefor has not been received.

WM. L. HALL,  
*Acting Forester.*

Debit:

Credit: General expenses, Forest Service, 1909.

48412--10--VOL 2--19

For reimbursement of expenses incurred on account of cooperative timber work on the Menominee, Red Lake, and La Pointe agencies and in office work during the first quarter 1910.

Menominee log fund, Menominee Reservation-----	\$1,231.78
Care and protection of Indian timber lands, 1910:	
La Pointe Agency, Bad River-----	\$329.73
Clerical work in Washington office for various agencies_	173.33
	<hr/> 503.06
Indian moneys, proceeds of labor, Red Lake Indians, Red Lake Agency	1,224.66
	<hr/> 2,959.50

Secretary's authority dated December 22, 1909, to auditor with this claim, Crediting "General expenses, Forest Service, 1910."

Settled February 23, 1910.

1419 [90207—Office of Indian Affairs. Received November 11, 1909.]

Statement of payments made by the United States Forest Service for services rendered during the period beginning July 1, 1909, and ending September 30, 1909, in connection with the cooperative timber work on the Menominee Indian Reservation:

Payee.	Period.	Amount.	
<b>Salaries:</b>			
E. A. Braniff.....	July 1-31	\$187.50	
Do.....	Aug. 1-31	187.50	
Do.....	Sept. 1-15	93.75	
D. G. Belt.....	July 1-31	116.66	
Do.....	Aug. 1-31	116.67	
Do.....	Sept. 1-15	58.33	
G. T. Backus.....	Aug. 26-31	12.50	
Do.....	Sept. 1-30	75.00	
E. D. Clark.....	Sept. 3-30	77.78	
			<b>\$925.00</b>
<b>Expenses:</b>			
E. A. Braniff.....	July 1-31	149.47	
Do.....	Aug. 1-31	26.10	
Do.....	Sept. 1-15	11.40	
D. G. Belt.....	July 1-31	27.09	
Do.....	Aug. 1-31	4.95	
Do.....	Sept. 1-15	-----	
G. T. Backus.....	Aug. 26-31	34.25	
Do.....	Sept. 1-30	7.19	
E. D. Clark.....	Sept. 3-30	45.64	
Total.....		1,231.78	<b>306.00</b>

**Settled January 27, 1910.**

NOVEMBER 6, 1909.

I certify that the above bill is correct and just and that payment therefor has not been received.

**G. G. ANDERSON,**  
*Acting Forester.*

**Credit—"General expenses, Forest Service, 1910."**  
**WRF—HB—WIHFC.**

Statement of payments made by the United States Forest Service for services rendered during the quarter beginning July 1, 1909, and ending September 30, 1909, in connection with the cooperative timber work on various Indian reservations:

Payee.	Period.	Amount.	
<b>Salaries:</b>			
La Pointe—			
Mark Burns.....	July 1-31	\$141.66	
Do.....	Aug. 1-31	141.67	\$283.33
Red Lake—			
Patrick Kennedy.....	July 1-31	150.00	
Do.....	Aug. 1-31	150.00	
Do.....	Sept. 1-30	150.00	
J. A. Howarth.....	July 1-31	108.33	
Do.....	Aug. 1-31	108.33	
Do.....	Sept. 1-30	108.34	775.00
Office in Washington, care and protection Indian Territory lands, 1909-10—			
A. B. Patterson (one-half).....	July 1-31	75.00	
H. Irion (one-half).....	July 1-31	58.33	
L. Gartrell (one-half).....	July 1-31	40.00	173.33
<b>Expenses:</b>			
La Pointe—			
Mark Burns.....	July 1-31	18.41	
Do.....	Aug. 1-31	27.99	46.40
Red Lake—			
Patrick Kennedy.....	July 1-31	35.50	
Do.....	Aug. 1-31	69.10	
Do.....	Sept. 1-30	42.63	
J. A. Howarth.....	July 1-31	129.03	
Do.....	Aug. 1-31	147.40	
Do.....	Sept. 1-30	26.00	449.66
Total.....			1,727.72

NOVEMBER 6, 1909.

I certify that the above bill is correct and just and that payment therefor has not been received.

G. G. ANDERSON,  
*Acting Forester.*

Settled January 27, 1910.

Credit—"General expenses, Forest Service, 1910."  
WRF—HB—WI—H. F. C.

[Land uses—90207-1909—E B H—Account against office.]

FEBRUARY 8, 1910.

The Honorable the SECRETARY OF THE INTERIOR.

SIR: On December 22, 1909, the department approved a letter of the office submitting two statements of accounts for payments made by the Forest Service in connection with cooperative timber work on Indian reservations.

Through oversight the letter provided that the expenditures made on account of the Menominee Indian Reservation, \$1,231.78, should be paid out of the fund, "Care and protection of Indian timber lands, 1909-10." This amount should be paid out of the Menominee log fund, and it is requested that authority be granted for the payment of the item out of that fund.

Very respectfully,

R. G. VALENTINE,  
*Commissioner.*

GO-31-7467.

Approved February 9, 1910.

FRANK PIERCE,  
*First Assistant Secretary.*

Original to auditor, with claim 198419.  
Settled February 23, 1910.

DECEMBER 21, 1909.

The honorable the SECRETARY OF THE INTERIOR.

Sir: There is inclosed a letter of November 6, 1909, from G. G. Anderson, Acting Forester, and submitting two statements of account against this office covering payments made by the Forest Service in connection with the cooperative timber work on the Menominee Indian Reservation, amounting to \$1,231.78, and on various other Indian reservations amounting to \$1,727.72.

It will be observed that some of these items involve expenditures up to September 30. It was not practicable to bring to an end the relations of the Forest Service to the Indian timber question immediately on receipt by the Agricultural Department of departmental letter of July 20, giving notice of the termination of the so-called cooperative agreement, because it was necessary to have certain employees of the Forest Service transferred to this office, and although the Forest Service surrendered all jurisdiction, it was compelled for some time to pay the salaries of persons employed on Indian forests who were carried on its rolls, due to delays in making the transfers. This was not true as to A. B. Patterson, an assistant forester, for one-half of whose pay a claim is made to July 31 for \$75, and Harry Irion, a clerk, for whom claim is made for one-half his salary, covering the same period, in the amount of \$58.33. However, it is fair to say that at least a part of the time of each of these men was taken up in connection with Indian forest work.

It is believed that the claim of the Forest Service is just, and I recommend that it be ordered paid out of the fund "Care and protection of Indian timber lands, 1909-10."

Very respectfully,

R. G. V.,  
*Commissioner.*

CAS-10-6489.

Approved: December 22, 1909.

FRANK PIERCE,  
*First Assistant Secretary.*

Original to auditor with claim 198419.

[Office of Indian Affairs. Received November 11, 1909—File 90207.]

UNITED STATES DEPARTMENT OF AGRICULTURE,  
FOREST SERVICE,  
Washington, November 6, 1909.

The COMMISSIONER OF INDIAN AFFAIRS,  
*Department of the Interior.*

SIR: I have the honor to transmit herewith two statements of account against the Indian Office covering payments made by the Forest Service on account of cooperative timber work on the Menominee Indian Reservation amounting to \$1,231.78, and on various other Indian reservations amounting to \$1,727.72.

If the statements are found correct please have the necessary steps taken to have the amount of \$1,231.78 transferred from the Menominee funds, and the amount of \$1,727.72 from the fund provided by the act of March 3, 1909 (Public No. 316), to the credit of the appropriation "General expenses, Forest Service, 1910."

Very respectfully,

G. G. ANDERSON,  
*Acting Forester.*

Statement of payments made by the United States Forest Service for services rendered during the quarter beginning July 1, 1909, and ending September 30, 1909, in connection with the cooperative timber work on various Indian reservations:

Payee.	Period.	Amount.
<b>Salaries:</b>		
Mark Burns.....	July 1-31	\$141.66
Do.....	Aug. 1-31	141.67
Patrick Kennedy.....	July 1-31	150.00
Do.....	Aug. 1-31	150.00
Do.....	Sept. 1-30	150.00
J. A. Howarth.....	July 1-31	108.23
Do.....	Aug. 1-31	108.33
Do.....	Sept. 1-30	108.34
A. B. Patterson (one-half).....	July 1-31	75.00
H. Irion (one-half).....	do.....	58.33
L. Gartrell (one-half).....	do.....	40.00
<b>Expenses:</b>		
Mark Burns.....	do.....	18.41
Do.....	Aug. 1-31	27.99
Patrick Kennedy.....	July 1-31	35.50
Do.....	Aug. 1-31	69.10
Do.....	Sept. 1-30	42.63
J. A. Howarth.....	July 1-31	129.03
Do.....	Aug. 1-31	147.40
Do.....	Sept. 1-30	26.00
Total.....		1,727.72

NOVEMBER 6, 1909.

I certify that the above bill is correct and just, and that payment therefor has not been received.

G. G. ANDERSON,  
Acting Forester.

Credit—"General expenses, Forest Service, 1910."  
H. F. C.

90207]

Statement of payments made by the United States Forest Service for services rendered during the period beginning July 1, 1909, and ending September 30, 1909, in connection with the cooperative timber work on the Menominee Indian Reservation:

Payee.	Period.	Amount.
<b>Salaries:</b>		
E. A. Braniff.....	July 1-31	\$187.50
Do.....	Aug. 1-31	187.50
Do.....	Sept. 1-15	93.75
D. G. Belt.....	July 1-31	116.66
Do.....	Aug. 1-31	116.67
Do.....	Sept. 1-15	58.33
G. T. Backus.....	Aug. 26-31	12.50
Do.....	Sept. 1-30	75.00
E. D. Clark.....	Sept. 3-30	77.78
<b>Expenses:</b>		
E. A. Braniff.....	July 1-31	149.47
Do.....	Aug. 1-31	26.10
Do.....	Sept. 1-15	11.40
D. G. Belt.....	July 1-31	27.09
Do.....	Aug. 1-31	4.95
Do.....	Sept. 1-15	.....
G. T. Backus.....	Aug. 26-31	34.25
Do.....	Sept. 1-30	7.19
E. D. Clark.....	Sept. 3-30	45.64
Total.....		1,231.78

NOVEMBER 6, 1909.

I certify that the above bill is correct and just, and that payment therefor has not been received.

G. G. ANDERSON,  
*Acting Forester.*

Credit—"General expenses, Forest Service, 1910."  
H. F. C.

1423 [Office of Indian Affairs, received July 19, 1909—File 56929.]

[St—Cooperation Indian office. Federal protection.]

UNITED STATES DEPARTMENT OF AGRICULTURE,  
FOREST SERVICE,  
Washington, July 17, 1909.

The COMMISSIONER OF INDIAN AFFAIRS,  
*Department of the Interior, Washington, D C.*

SIR: I respectfully request that you set aside the sum of \$450, to cover the cost of necessary work by the Forest Service on the Flathead Reservation, Mont., in connection with the inspection and checking of the sales now under way, and the organization and direction of the protective force on the reservation in accordance with the procedure outlined in the acting commissioner's letter of June 15 to the Forester, and Chief Clerk Hauke's letter of June 16 to Mr. F. C. Morgan. Of the amount specified, \$300 will be needed for the salary and \$150 for the expenses of the men engaged on this work.

A detailed inspection of the sales to the O'Brien Lumber Company and to Donlan & Russell, on this reservation, is necessary to determine the compliance of the purchasers with the provisions of their contracts, with reference especially to the utilization of merchantable material and disposal of debris. Following this inspection, definite recommendations will be submitted as to what further work should be required under these contracts before the sales are closed.

I request also that \$140 be set aside for the cost of the examination of the timber cutting which has been done on the Standing Rock Reservation, S. Dak., and the preparation of a plan for the future protection and administration of the timber on that reservation, in accordance with the request contained in Chief Clerk Hauke's letter of June 11.

Very respectfully,

WM. T. COX,  
*Acting Forester.*

SF

UNITED STATES DEPARTMENT OF AGRICULTURE,  
FOREST SERVICE, OFFICE OF THE FORESTER,  
Washington, February 19, 1910.

The COMMISSIONER OF INDIAN AFFAIRS,  
*Department of the Interior.*

SIR: Your letter of February 16 (Finance, TW—Cl. 198419, 90207/09), is received. As a result of an informal inquiry at your office by Mr. Irion, I understand that it will not be necessary to supply the information requested. The statement accompanying your letter was left with the Division of Accounts.

Very respectfully,

E. E. CARTER, *Acting Forester.*

DEPARTMENT OF THE INTERIOR,  
FIRST ASSISTANT SECRETARY'S OFFICE,  
September 16, 1909.

Mr. CLEMENTS:

Please read the President's public letter, printed to-day, about the cooperative agreement. He refers to the comptroller's decision.

If the cooperative agreement was illegal under the comptroller's decision, how is it possible to pay the Forest Service the \$450 which it requires for work done prior to July 17?

PIERCE.

Mr. PIERCE:

A matter for careful handling for fear of further complications.

CLEMENTS.

1424 [Land—Uses. 56929—1909, 56793—1909. E. B. H. Cost of work by Forest Service.]

**THE SECRETARY OF AGRICULTURE.**

SIR: The department has before it a letter of July 17, 1909, written by the Forest Service to the Commissioner of Indian Affairs, asking that there be set aside the sum of \$450 to cover the cost of work done by that service on the Flathead Reservation, Mont., in connection with inspection and checking of sales then underway.

It is the understanding of this department that the Forest Service suspended action on all work of this character on the receipt of departmental letter of July 17, concerning the discontinuance of the cooperative arrangement between the Forest Service and the Indian Office regarding timber operations on Indian reservations.

While this department will continue to solicit your good offices in connection with forest matters on Indian reservations, it might be best in this case for you to submit a claim for the expenses that were incurred up to the time you took action on the notice from this department concerning the cooperative agreement.

If you will file a claim in the usual manner, it will be taken up for prompt disposal.

Very respectfully,

Res. -18, 4017.]

\_\_\_\_\_  
*First Assistant Secretary.*

[Finance. TW. Cl. 198419. 90207/1909. Returning statement for completion.]

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, February 16, 1910.*

**The FORESTER, Washington, D. C.**

SIR: There was transmitted to this office in your letter of November 6, 1909, a statement of payments made by the United States Forest Service for work done during the quarter ending September 30, 1909, in connection with the cooperative timber work on "various Indian reservations" amounting to \$1,727.72, with the request that if the account was found to be correct steps be taken to have the amount transferred to the credit of the appropriation "General expenses, Forest Service, 1910."

As the inclosed statement does not show the various reservations involved or the amounts comprised in the \$1,727.72 chargeable to the various agencies, you are requested to supply the omissions in order that the proper charges may be made against the several agencies.

Please return the inclosed statement.

Very respectfully,

(Signed) F. H. ABBOTT,  
*Acting Commissioner.*

Wx—14.

[Department of the Interior, Office of Indian Affairs, Washington. Claim No. 196181.]

**Forest Service:**

For reimbursement of expenses incurred from December 1, 1908, to March 2, 1909, \$237.43, and from March 3, 1909, to May 31, 1909, \$187.05, in connection with work on the Rosebud Reservation.

Indian moneys, proceeds of labor, Rosebud Indians, \$424.48. Crediting: "General expenses, Forest Service, 1909," as requested by letter of transmittal of F. S.

Authorized by acting commissioner December 17, 1909, and original to auditor with claim.

R. W., *Examiner.*

Settled January 4, 1910.

This is part of cl. 192795, the voucher being returned to Forest Service for segregation in letter of August 26, 1909, and was returned by F. S. as a new claim and so put up. Wms.

Cl. 192795 canceled to the extent of the amount above settled for.



**1425 Statement of payments made by the United States Forest Service for services rendered and supplies furnished during the period beginning December 1, 1908, and ending March 2, 1909, on account of the Rosebud Indian Reservation.**

Louis Knowles, salary in part, December 1, 1908-March 2, 1909-----	\$40. 00
Robert Emery, salary, December 1, 1908-March 2, 1909-----	155. 00
Louis Knowles, expenses, December 1, 1908-March 2, 1909-----	37. 93
Pioneer Times Publishing Company, expenses, December 1, 1908-March 2, 1909-----	4. 50
<b>Total-----</b>	<b>237. 43</b>

OCTOBER 7, 1909.

I certify that the above bill is correct and just, and that payment therefor has not been received.

CHAS. S. CHAPMAN, *Assistant Forester.*

Credit: General expenses, Forest Service, 1909 (district 2).

Settled January 4, 1910.

F. C. T.

**Statement of payments made by the United States Forest Service for services rendered and supplies furnished during the period beginning March 3, 1909, and ending May 31, 1909, on account of the Rosebud Indian Reservation.**

Louis Knowles, salary in part, March 3, 1909-May 31, 1909-----	\$12. 50
Robert Emery, salary in part, March 3, 1909-May 31, 1909-----	105. 00
Louis Knowles, expenses, March 3, 1909-May 31, 1909-----	29. 55
B. J. Barker, expenses, March 3, 1909-May 31, 1909-----	40. 00
<b>Total-----</b>	<b>187. 05</b>

OCTOBER 7, 1909.

I certify that the above bill is correct and just, and that payment therefor has not been received.

CHAS. S. CHAPMAN, *Assistant Forester.*

Settled January 4, 1910.

Credit: General expenses, Forest Service, 1909 (district 2).

F. C. T.

OAZ.

UNITED STATES DEPARTMENT OF AGRICULTURE,  
FOREST SERVICE,  
Washington, October 9, 1909.

The COMMISSIONER OF INDIAN AFFAIRS,  
Department of the Interior, Washington, D. C.

SIR: I have the honor to transmit herewith statements of accounts against the Indian Office for payments made by the Forest Service on account of work on the Rosebud Indian Reservation.

If found correct, please have the necessary steps taken to have the amounts (\$237.43 and \$187.05) transferred from the proper Indian appropriation to the credit of the appropriation "General expenses, Forest Service, 1909."

Very respectfully,

C. S. CHAPMAN, *Acting Forester.*

Get authority to pay this claim from "Indian Moneys, Pro. of Labor, Rosebud Indians."

1426 [Education—Purchase. Cl. 196181. H R D. Department of the Interior, Office of Indian Affairs, Washington. 3-3483.]

Authority is hereby granted for the settlement of an indebtedness of \$424.48, incurred during the third quarter, 1909, as evidenced by the following-described vouchers, which are returned for file with your account:

For services rendered and supplies furnished by the United States Forest Service on account of the Rosebud Indian Reservation as follows:

From December 2, 1908, to March 2, 1909:

Louis Knowles, salary in part.....	\$40. 00
Robert Emery, salary in part.....	155. 00
Louis Knowles, expenses.....	37. 93
Pioneer Times Publishing Company.....	4. 50

From March 3, 1909, to May 31, 1909:

Louis Knowles, salary in part.....	12. 50
Robert Emery, salary in part.....	105. 00
Louis Knowles, expenses.....	29. 55
B. J. Barker, expenses.....	40. 00

Total..... 424. 48

(In accordance with the claim inclosed.)

2

To Acting Forester, United States Forest Service, Department of Agriculture, Washington, D. C., December 17, 1909.

[Copy—To be filed with proper voucher in office copy of memorandum account.]

Fund to be used in making payment: "Indian moneys, proceeds of labor, Rosebud Indians," \$424.48.

[Education—Purchase. Cl. 196181. H R D. Department of the Interior, Office of Indian Affairs, Washington. 3-3483.]

Authority is hereby granted for the settlement of an indebtedness of \$424.48, incurred during the third quarter, 1909, as evidenced by the following-described vouchers, which are returned for file with your account:

For services rendered and supplies furnished by the United States Forest Service on account of the Rosebud Indian Reservation as follows:

From December 2, 1908, to March 2, 1909:

Louis Knowles, salary in part.....	\$40. 00
Robert Emery, salary in part.....	155. 00
Louis Knowles, expenses.....	37. 93
Pioneer Times Publishing Company.....	4. 50

From March 3, 1909, to May 31, 1909:

Louis Knowles, salary in part.....	12. 50
Robert Emery, salary in part.....	105. 00
Louis Knowles, expenses.....	29. 55
B. J. Barker, expenses.....	40. 00

Total..... 424. 48

(In accordance with the claim inclosed.)

2

To Acting Forester, United States Forest Service, Department of Agriculture, Washington, D. C., December 17, 1909.

[Copy—To be filed with proper voucher in office copy of memorandum account.]

Fund to be used in making payment: "Indian moneys, proceeds of labor, Rosebud Indians," \$424.48.

1427 [Education—Purchase. Cl. 196181. H R D. Department of the Interior, Office of Indian Affairs, Washington, 3-3483.]

[This sheet is to be detached and retained by disbursing officer.]

Authority is hereby granted for the settlement of an indebtedness of \$424.48, incurred during the third quarter, 1909, as evidenced the following-described vouchers, which are returned for file with your account:

For services rendered and supplies furnished by the U. S. Forest Service on account of the Rosebud Indian Reservation, as follows:

From December 2, 1908, to March 2, 1909:

Louis Knowles, salary in part.....	\$40. 00
Robert Emery, salary in part.....	155. 00
Louis Knowles, expenses.....	37. 93
Pioneer Times Publishing Company.....	4. 50

From March 3, 1909, to May 31, 1909:

Louis Knowles, salary in part.....	12. 50
Robert Emery, salary in part.....	105. 00
Louis Knowles, expenses.....	29. 55
B. J. Barker, expenses.....	40. 00

Total.....	424. 48
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(In accordance with the claim inclosed.)

3

To Acting Forester, United States Forest Service, Department of Agriculture, Washington, D. C., December 17, 1909.

[Copy.—To be filed by the disbursing officer with proper voucher in his copy of memorandum account.]

Fund to be used in making payment:

"Indian moneys, proceeds of labor, Rosebud Indians," \$424.48.

*Statement of payments made by the Forest Service during the period beginning April 1, 1908, and ending May 31, 1908, on account of work on the Menominee Indian Reservation, Wis., in accordance with agreement of January 22, 1908, between the Secretary of Agriculture and the Secretary of the Interior.*

Payee.	Period.	Voucher No.	Amount.
<b>Salaries:</b>			
E. A. Braniff.....	1908.		
James A. Howarth.....	Apr. 1-30	20824	\$150. 00
A. K. Chittenden (one-half).....	do.....	20824	91. 66
T. L. Day.....	do.....	20824	100. 00
Harry Irion.....	Apr. 25-30	20815	25. 00
W. E. La Fountain.....	Apr. 1-30	20877	100. 00
Mark Burns.....	do.....	20824	150. 00
W. S. Uhler.....	Apr. 20-30	20824	45. 83
E. E. Carter.....	Apr. 22-30	20824	37. 50
E. E. Carter.....	Apr. 1-15	20818	91. 67
<b>Reimbursement of expenses:</b>			
E. A. Braniff.....	Apr. 1-30	21656	122. 35
James A. Howarth.....	do.....	21353	50. 72
T. L. Day.....	Apr. 25-30	21467	7. 45
W. E. La Fountain.....	Apr. 1-30	22502	50. 49
Mark Burns.....	Apr. 20-30	21549	20. 86
W. S. Uhler.....	Apr. 22-30	21284	21. 35
E. E. Carter.....	Apr. 1-15	21349	42. 79
<b>Transportation:</b>			
Denver and Rio Grande R. R. Co.—Transportation T. L. Day from Durango to Denver, Colo.....	Apr. 25	22933	19. 60
Chicago, Rock Island and Pacific R. R. Co.—Transportation T. L. Day from Denver, Colo., to Green Bay, Wis.....	Apr. 27	22929	24. 50
Chesapeake and Ohio Ry. Co.—Transportation E. E. Carter from Washington, D. C., to Green Bay, Wis.....	Apr. 1	22861	20. 95
			1, 172. 72

Approved:

OVERTON W. PRICE,

Associate Forester.

Settled July 18, 1908.

## DEPARTMENT OF THE INTERIOR,

Washington, July 7, 1908.

Subject: Authority to pay Forest Service for work on Menominee Reservation.  
The COMMISSIONER OF INDIAN AFFAIRS.

SIR: The following, showing the account of work on the Menominee Indian Reservation, Wis., in accordance with the agreement of January 22, 1908, between the Secretary of Agriculture and the Secretary of the Interior is hereby approved.

Payee.	Period.	Voucher No.	Amount.
<b>Salaries:</b>			
E. A. Braniff.....	1908. Apr. 1-30	20824	\$150.00
Jas. A. Howarth.....	do.....	20824	91.66
A. K. Chittenden (one-half).....	do.....	20824	100.00
T. L. Day.....	Apr. 25-30	20815	25.00
Harry Iron.....	Apr. 1-30	20877	100.00
W. E. La Fountain.....	do.....	20824	150.00
Mark Burns.....	Apr. 20-30	20824	45.83
W. S. Uhler.....	Apr. 22-30	20824	37.50
E. E. Carter.....	Apr. 1-15	20818	91.67
<b>Reimbursement of expenses:</b>			
E. A. Braniff.....	Apr. 1-30	21656	122.35
Jas. A. Howarth.....	do.....	21353	50.72
T. L. Day.....	Apr. 25-30	21467	7.45
W. E. La Fountain.....	Apr. 1-30	22502	50.40
Mark Burns.....	Apr. 20-30	21540	20.86
W. S. Uhler.....	Apr. 22-30	21284	21.35
E. E. Carter.....	Apr. 1-15	21349	42.79
<b>Transportation:</b>			
Denver and Rio Grande R. R.—Transportation, T. L. Day from Durango to Denver, Colo.....	Apr. 25	22933	19.60
Chicago, Rock Island and Pacific R. R. Co.—Transportation, T. L. Day from Denver, Colo., to Green Bay, Wis.....	Apr. 27	22929	24.50
Chesapeake and Ohio Ry. Co.—Transportation, E. E. Carter from Washington, D. C., to Green Bay, Wis.....	Apr. 1	22861	20.96
			1,172.72

You are directed to transfer the amount of \$1,172.72 from funds available on the books of the Indian Office to the Forest Service, "Interest on Menominee logging fund."

Very respectfully,

(Signed)

FRANK PIERCE, *Acting Secretary.*

OGP.

Paid by auditor August 5, 1908.

Settled July 18, 1908.

[Claims 183988 and 184262. Settled July 18, 1908.]

The United States to Forest Service, Dr.

For expenses incurred during April and May, 1908, in connection with logging operations on Menominee Reservation, Wis., as follows:

Expenses during April, 1908.....	\$1,172.72
Expenses during May, 1908.....	1,879.67

Amounting to..... 3,052.39

Department letters of authority dated July 7 and 9, 1908, to auditor with this claim, carbon copies with duplicates.

Claims 183988 and 184262. A. B. Ex.

Appropriation, "Interest on Menominee log fund."

Settled July 18, 1908.

1429

[Authority Office of Indian Affairs—Received July 7, 1908.]

183988.—O. A.]

U. S. DEPARTMENT OF AGRICULTURE,  
FOREST SERVICE,  
Washington, June 12, 1908.

HON. FRANCIS E. LEUPP,  
*Commissioner of Indian Affairs,*  
*Department of the Interior, Washington, D. C.*

SIR: I have the honor to inclose herewith statement of account against the Indian Office for cost of work during the month of April, 1908, on the Menominee Indian Reservation, Wisconsin, in accordance with agreement dated January 22, 1908, between the Secretary of Agriculture and the Secretary of the Interior.

It is requested that proper steps be taken to have the amount (\$1,172.72) transferred from the United States Indian Office appropriation to the credit of appropriation "General expenses, Forest Service, 1908."

Very respectfully,

OVERTON W. PRICE,  
*Associate Forester.*

Settled July 18, 1908.

Cross-transfers from Office of Auditor for Interior Department relating to reimbursement of Forest Service for work performed in connection with timber on Indian reservations.

2038

## CERTIFICATE OF SETTLEMENT.

No. 7614. Indian settlements and claims.]

TREASURY DEPARTMENT,  
OFFICE OF THE AUDITOR FOR THE INTERIOR DEPARTMENT,  
Washington, Nov. 10, 1908.

I certify that I have examined an account to adjust differences existing between certain Interior and Agricultural Department appropriations for expenses incurred by the Forest Service in connection with logging operations on the Menominee Indian Reservation, Wisconsin, during the 4th quarter, 1908, and find that there is due the appropriation "General expenses, Forest Service, 1908," the sum of one thousand five hundred forty-two and 58/100 dollars (\$1,542.56), payable from appropriation "Fulfilling treaties with Menominees, Logs."

Let the necessary transfer and counter warrants be issued.

(Signed) R. S. PERSON,  
*Auditor.*

THE SECRETARY OF THE INTERIOR.  
(Division of Bookkeeping and Warrants.)

## CERTIFICATE OF SETTLEMENT.

No. 9502. Indian settlements and claims.]

TREASURY DEPARTMENT,  
OFFICE OF THE AUDITOR FOR THE INTERIOR DEPARTMENT,  
Washington, Feb. 26, 1909.

I certify that I have examined an account to adjust differences existing between certain Interior Department appropriations arising from expenditures made by the Forest Service for labor and materials upon the Nez Perces and Menominee Indian reservations from June 1 to August 31 and August 1 to December 31, 1908, respectively, and find that there is due the appropriations—

"General expenses, Forest Service, 1908"-----	\$253.98
"General expenses, Forest Service, 1909"-----	6,381.47
	<u>6,635.45</u>

Payable from appropriations—

"Indian moneys, proceeds of labor (Nez Perces)"-----	\$585. 67
"Fulfilling treaties with Menominees, logs"-----	6, 049. 78
	<hr/> 6, 635. 45

Let the necessary transfer and counter warrants be issued.

A. M. (Signed) R. S. PERSON, Auditor.

The SECRETARY OF THE TREASURY  
(Division of Bookkeeping and Warrants).

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CERTIFICATE OF SETTLEMENT.

No. 10175. Indian settlements and claims.]

TREASURY DEPARTMENT,  
OFFICE OF THE AUDITOR FOR THE INTERIOR DEPARTMENT,  
Washington, April 7, 1909.

I certify that I have examined and settled a claim against the United States presented by Forest Service of Department of Agriculture for reimbursement of expenses incurred during August, September, and October, 1908, in fighting fires on the Coeur d'Alene Indian Reservation, and find that there is due the said claimant the sum of two thousand one hundred ninety-two and 51/100 (\$2,192.51) dollars, payable from appropriation "Indian moneys, proceeds of labor (Coeur d'Alenes)."

Payment to be made by crediting appropriation "General expenses, Forest Service, 1909."

A. M. (Signed) R. S. PERSON, Auditor.

The SECRETARY OF THE TREASURY  
(Division of Bookkeeping and Warrants).

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CERTIFICATE OF SETTLEMENT.

No. 10218. Indian settlements and claims.]

TREASURY DEPARTMENT,  
OFFICE OF THE AUDITOR FOR THE INTERIOR DEPARTMENT,  
Washington, April 9, 1909.

I certify that I have examined and settled a claim against the United States presented by Forest Service, Department of Agriculture, for reimbursement of amounts expended for work done on the Klamath, Pine Ridge, and San Carlos Indian reservations from July 1 to November 30, 1908, and find that there is due the said claimant the sum of one thousand six hundred twenty-six and 16/100 (\$1,626.16) dollars, payable from appropriation—

"Indian moneys, proceeds of labor (San Carlos)"-----	\$300. 00
"Payment to Indians of Klamath Agency, Oregon"-----	878. 18
"Indian moneys, proceeds of labor (Pine Ridge)"-----	447. 98
	<hr/> 1, 626. 16

Payment to be made by crediting appropriation "General expenses, Forest Service, 1909."

A. M. (Signed) R. S. PERSON, Auditor.

The SECRETARY OF THE TREASURY  
(Division of Bookkeeping and Warrants).

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CERTIFICATE OF SETTLEMENT.

No. 10332. Indian settlements and claims.]

TREASURY DEPARTMENT,  
OFFICE OF THE AUDITOR FOR THE INTERIOR DEPARTMENT,  
Washington, April 20, 1909.

I certify that I have examined and settled a claim against the United States presented by U. S. Forest Service, Washington, D. C., for reimbursement for

amounts expended from December 1, 1908, to March 15, 1909, on the San Carlos Indian Reservation, and during January, 1909, on the Mescalero Indian Reservation, and find that there is due the said claimant the sum of three hundred seven and 30/100 (\$307.30) dollars, payable from appropriation—

"Indian moneys, proceeds of labor (San Carlos)"	----- \$300.00
"Indian moneys, proceeds of labor (Mescalero)"	----- 7.30
	<u>307.30</u>

Payment to be made by crediting appropriation "General expenses, Forest Service, 1909."

A. M.

(Signed)

R. S. PERSON,  
*Auditor.*

The SECRETARY OF THE TREASURY  
(Division of Bookkeeping and Warrants).

2040

CERTIFICATE OF SETTLEMENT.

No. 10795. Indian settlements and claims.]

TREASURY DEPARTMENT,  
OFFICE OF THE AUDITOR FOR THE INTERIOR DEPARTMENT,  
*Washington, May 11, 1909.*

I certify that I have examined and settled a claim against the United States presented by Forest Service, Washington, D. C., for reimbursement of amounts expended from Dec. 1, 1908, to March 31, 1909, on various Indian reservations, and find that there is due the said claimant the sum of seven hundred forty-nine and 55/100 (\$749.55) dollars, payable from appropriation—

"Payments to Indians at Klamath Agency"	----- \$297.50
"Indian moneys, proceeds of labor (Siletz Indians)"	----- 81.48
"Indian moneys, proceeds of labor (San Carlos)"	----- 14.85
"Indian moneys, proceeds of labor (Red Lake)"	----- 355.72
	<u>749.55</u>

Payment to be made by crediting the appropriation "General expenses, Forest Service, 1909."

A. M.

(Signed)

R. S. PERSON,  
*Auditor.*

The SECRETARY OF THE TREASURY  
(Division of Bookkeeping and Warrants).

CERTIFICATE OF SETTLEMENT.

No. 10914. Indian settlements and claims.]

TREASURY DEPARTMENT,  
OFFICE OF THE AUDITOR FOR THE INTERIOR DEPARTMENT,  
*Washington, May 19, 1909.*

I certify that I have examined and settled a claim against the United States presented by Forest Service, Washington, D. C., for reimbursement for services and expenses incurred during November, 1908, in connection with work on the Cœur d'Alene Indian Reservation, Idaho, and find that there is due the said claimant the sum of one hundred fifty and 10/100 (\$150.10) dollars, payable from appropriation "Indian moneys, proceeds of labor (Cœur d'Alene)."

Payment to be made by crediting appropriation "General expenses, Forest Service, 1909."

A. M.

(Signed)

R. S. PERSON, *Auditor.*  
By \_\_\_\_\_,  
*Deputy Auditor.*

The SECRETARY OF THE TREASURY  
(Division of Bookkeeping and Warrants).

## CERTIFICATE OF SETTLEMENT OF ACCOUNT.

No. 11087. Indian settlements and claims.]

TREASURY DEPARTMENT,  
OFFICE OF THE AUDITOR FOR THE INTERIOR DEPARTMENT,

June 2, 1909.

I certify that I have examined and settled an account between the United States and the Forest Service, Washington, D. C., for reimbursement for services rendered from December 1, 1908, to March 31, 1909, on all the Indian reservations where cooperative timber work has been conducted, and find that there is due the said claimant the sum of seven hundred sixty-one and 9/100 (\$761.09) dollars, payable from appropriations—

2041 "Indian moneys, proceeds of labor (Chippewas of Lake Superior, Bad River)"-----	\$154. 50
"Indian moneys, proceeds of labor (Cœur d'Alene)"-----	10. 00
"Indian moneys, proceeds of labor (Flathead)"-----	10. 00
"Indian moneys, proceeds of labor (Klamath)"-----	10. 00
"Indian moneys, proceeds of labor (La Pointe, Lac Courte Oreille)"--	31. 00
"Indian moneys, proceeds of labor (Chippewas of Lake Superior,* Lac du Flambeau)"-----	61. 00
"Indian moneys, proceeds of labor (Leech Lake)"-----	25. 00
"Indian moneys, proceeds of labor (Menominee)"-----	185. 18
"Indian moneys, proceeds of labor (Nez Perce)"-----	20. 00
"Indian moneys, proceeds of labor (Pine Ridge)"-----	10. 00
"Indian moneys, proceeds of labor (Red Lake)"-----	50. 00
"Indian moneys, proceeds of labor (San Carlos)"-----	5. 00
"Indian moneys, proceeds of labor (Siletz)"-----	5. 00
"Indian moneys, proceeds of labor (Spokane)"-----	5. 00
"Indian moneys, proceeds of labor (White Earth)"-----	10. 00
"Indian moneys, proceeds of labor (Yakima)"-----	10. 00
"Care and protection of Indian timber lands, 1909 and 1910"-----	159. 43
	<hr/> 761. 09

Payment to be made by crediting appropriation "General expenses, Forest Service, 1909."

R. S. PERSON,  
Auditor for the Interior Department.

By \_\_\_\_\_,  
Deputy Auditor.

The SECRETARY OF THE TREASURY  
(Division of Bookkeeping and Warrants).

## CERTIFICATE OF SETTLEMENT.

No. 11181. Indian settlements and claims.]

TREASURY DEPARTMENT,  
OFFICE OF THE AUDITOR FOR THE INTERIOR DEPARTMENT,

Washington, June 5, 1909.

I certify that I have examined and settled a claim against the United States presented by Forest Service, Department of Agriculture, Washington, D. C., for reimbursement of expenses incurred from October 1, 1908, to March 31, 1909, for work done on the Menominee and Bad River Indian reservations, and find that there is due the said claimant the sum of two thousand six hundred twenty-two and 31/100 (\$2,622.31) dollars, payable from appropriation—

"Menominee log fund"-----	\$1,655. 34
"Indian moneys, proceeds of labor (Chippewas of Lake Superior, Bad River)"-----	966. 97
	<hr/> 2,622. 31

Payment to be made by crediting appropriation "General expenses, Forest Service, 1909."

A. M.

(Signed)

R. S. PERSON, Auditor.  
By \_\_\_\_\_,

Deputy Auditor.

The SECRETARY OF THE TREASURY  
(Division of Bookkeeping and Warrants).



2042

## CERTIFICATE OF SETTLEMENT.

No. 11272. Indian settlements and claims.]

TREASURY DEPARTMENT,  
OFFICE OF THE AUDITOR FOR THE INTERIOR DEPARTMENT,  
*Washington, June 10, 1909.*

I certify that I have examined and settled a claim against the United States presented by Forest Service, Department of Agriculture, Washington, D. C., for reimbursement for work done during March and April, 1909, on the San Carlos Indian Reservation, Arizona, and find that there is due the said claimant the sum of one hundred fifty (\$150.00) dollars, payable from appropriation "Indian moneys, proceeds of labor (San Carlos)."

Payment to be made by crediting appropriation "General expenses, Forest Service, 1909."

R. S. PERSON, Auditor.  
By \_\_\_\_\_,  
*Deputy Auditor.*

The SECRETARY OF THE TREASURY  
(Division of Bookkeeping and Warrants).

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## CERTIFICATE OF SETTLEMENT.

No. 11801. Indian settlements and claims.]

TREASURY DEPARTMENT,  
OFFICE OF THE AUDITOR FOR THE INTERIOR DEPARTMENT,  
*Washington, July 9, 1909.*

I certify that I have examined and settled a claim against the United States presented by Forest Service, Department of Agriculture, Washington, D. C., for reimbursement for expenditures made during May, 1909, and from June 1 to 15, 1909, on account of work on the San Carlos Indian Reservation, Arizona, and find that there is due the said claimant the sum of seventy-eight and 20/100 (\$78.20) dollars, payable from appropriation "Indian moneys, proceeds of labor (San Carlos)."

Payment to be made by crediting appropriation "General expenses, Forest Service, 1909."

J. B. BELT,  
*Acting Auditor,*  
By \_\_\_\_\_,  
*Deputy Auditor.*

The SECRETARY OF THE TREASURY  
(Division of Bookkeeping and Warrants).

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## CERTIFICATE OF SETTLEMENT.

No. 12086. Indian settlements and claims.]

TREASURY DEPARTMENT,  
OFFICE OF THE AUDITOR FOR THE INTERIOR DEPARTMENT,  
*Washington, July 30, 1909.*

I certify that I have examined and settled a claim against the United States presented by Forest Service, Department of Agriculture, Washington, D. C., for reimbursement of expenses incurred from June 1 to 22, 1909, on account of forestry work on the San Carlos Indian Reservation, Arizona, and find that there is due the said claimant the sum of fourteen and 85/100 (\$14.85) dollars, payable from appropriation "Indian moneys, proceeds of labor (San Carlos)."

Payment to be made by crediting appropriation "General expenses, Forest Service, 1909."

R. S. PERSON, Auditor,  
By \_\_\_\_\_,  
*Deputy Auditor.*

The SECRETARY OF THE TREASURY  
(Division of Bookkeeping and Warrants).

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## CERTIFICATE OF SETTLEMENT.

No. 12158. Indian settlements and claims.]

TREASURY DEPARTMENT,  
OFFICE OF THE AUDITOR FOR THE INTERIOR DEPARTMENT.  
*Washington, August 5, 1909.*

I certify that I have examined and settled a claim against the United States presented by Forest Service Department of Agriculture (transfer settlement), for reimbursement of expenditures made from June 1 to 30, 1909, on account of the services of James J. Woolsey in connection with the work on the San Carlos Indian Reservation, Arizona, and find that there is due the said claimant the sum of seventy-five (\$75.00) dollars, payable from appropriation "Indian moneys, proceeds of labor (San Carlos)."

Payment to be made by crediting appropriation "General expenses, Forest Service, 1909."

R. S. PERSON, *Auditor.*

The SECRETARY OF THE TREASURY  
(Division of Bookkeeping and Warrants).

## CERTIFICATE OF SETTLEMENT.

No. 12898. Indian settlements and claims.]

TREASURY DEPARTMENT,  
OFFICE OF THE AUDITOR FOR THE INTERIOR DEPARTMENT.  
*Washington, October 4, 1909.*

I certify that I have examined and settled a claim against the United States presented by Forest Service, Department of Agriculture, Washington, D. C., for reimbursements of amounts expended from April 1 to August 10, 1909, on account of work on the Klamath, Siletz, and Spokane Indian reservations, and find that there is due the said claimant the sum of two hundred and two and 72/100 (\$202.72) dollars, payable from appropriation—

"Care and protection of Indian timber lands, 1909 and 1910"-----	\$199.92
"Indian moneys, proceeds of labor (Spokane)"-----	2.80

202.72

Payment to be made by crediting appropriation "General expenses, Forest Service, 1909."

ROBERT S. PERSON, *Auditor.*  
By J. B. BELT, *Deputy Auditor.*

The SECRETARY OF THE TREASURY  
(Division of Bookkeeping and Warrants).

## CERTIFICATE OF SETTLEMENT.

No. 13215. Indian settlements and claims.]

TREASURY DEPARTMENT,  
OFFICE OF THE AUDITOR FOR THE INTERIOR DEPARTMENT,  
*Washington, October 22, 1909.*

I certify that I have examined and settled a claim against the United States presented by Forest Service, Department of Agriculture, Washington, D. C., for reimbursement of expenses incurred from December, 1908, to June, 1909, in connection with forestry work done on various Indian reservations, and find that there is due the said claimant the sum of four thousand two and 61/100 (\$4,002.61) dollars, payable from appropriation—

"Care and protection of Indian timber lands, 1909-1910"-----	\$3,654.57
"Fulfilling treaties with Menominees, logs"-----	348.04

4,002.61

2044 Payment to be made by crediting appropriation "General expenses, Forest Service, 1909."

R. S. PERSON,  
*Auditor.*  
By J. E. R. RAY,  
*Acting Deputy Auditor.*

The SECRETARY OF THE TREASURY  
(Division of Bookkeeping and Warrants).

## CERTIFICATE OF SETTLEMENT.

No. 13302. Indian settlements and claims.]

TREASURY DEPARTMENT,  
OFFICE OF THE AUDITOR FOR THE INTERIOR DEPARTMENT,  
*Washington, October 27, 1909.*

I certify that I have examined and settled a claim against the United States presented by Forest Service, Department of Agriculture, Washington, D. C., for reimbursement for expenditures for work done on the Moqui Indian Reservation, Arizona, from July 1 to August 6, 1909, and find that there is due the said claimant the sum of two hundred seventy and 88/100 (\$270.88) dollars, payable from appropriation "Care and protection of Indian timber lands, 1909 and 1910."

Payment to be made by crediting appropriation "General expenses, Forest Service, 1910."

ROBERT S. PERSON,  
*Auditor.*

By J. E. R. RAY,  
*Acting Deputy Auditor.*

The SECRETARY OF THE TREASURY  
(Division of Bookkeeping and Warrants).

## CERTIFICATE OF SETTLEMENT.

No. 14642. Indian settlements and claims.]

TREASURY DEPARTMENT,  
OFFICE OF THE AUDITOR FOR THE INTERIOR DEPARTMENT,  
*Washington, January 11, 1910.*

I certify that I have examined and settled a claim against the United States presented by the Forest Service, Washington, D. C., for reimbursement of expenses incurred from December 1, 1908, to May 31, 1909, in connection with work on the Rosebud Indian Reservation, and find that there is due the said claimant the sum of four hundred twenty-four and 48/100 (\$424.48) dollars, payable from appropriation "Indian moneys, proceeds of labor (Rosebud Indians)."

Payment to be made by crediting the appropriation "General expenses, Forest Service, 1909."

J. B. BELT, *Acting Auditor.*  
By \_\_\_\_\_, *Deputy Auditor.*

The SECRETARY OF THE TREASURY  
(Division of Bookkeeping and Warrants).

**Report of Special Agent S. J. Colter on timber operation on Menominee Indian Reservation, Wis.**

3761

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
*Duluth, Minn., February 23, 1910.*

Hon. R. A. BALLINGER,  
*Secretary of the Interior, Washington, D. C.*

SIR: Referring to your request that I proceed to the Menominee Indian Reservation in the State of Wisconsin and there make an investigation of the logging and lumbering business conducted thereon since the passage of the act of June 28, 1906, and ascertain the reasons for the financial loss to the Indians growing out of said operations, I have the honor to submit the following report:

That I proceeded to the said reservation and there made a careful investigation of the matters referred to above, and in order that the loss to the Indians may not be overlooked I have decided to set out the summary at the beginning of this report instead of at the latter end, as is the usual course in submitting reports of this kind.

In making this investigation I covered the period up to and including November 1, 1909, but made no attempt to go into the matter for the period subsequent thereto, for the reason that the books were closed as of October 31, 1909, and many accounts and vouchers for the period subsequent thereto are still outstanding.

The records of the Neopit office show that there has been withdrawn from the tribal funds for the logging and lumbering operations on said Menominee Indian Reservation the sum of \$1,041,248.66.

That \$942,466.58 of said amount has been invested in and around Neopit, Wis.

That \$731,780.30 has been lost to the Indians of said reservation as a result of the logging and lumbering operations conducted under the acts of June 28, 1906, and March 28, 1908.

Below I submit a financial statement as same would be submitted by a private corporation conducting logging and lumbering operations similar to those conducted by the Government:

## LIABILITIES.

Balance due the United States (Indian trust funds)-----	\$1, 041, 248. 66
Balance due others-----	27, 496. 73
<b>Total liabilities-----</b>	<b>1, 068, 745. 39</b>
Accounts receivable-----	\$2, 099. 31
Cash in banks-----	124, 179. 50
<b>Live assets (such as could be realized on in a banking institution)-----</b>	<b>126, 278. 81</b>
<b>Dead investment (such as could not be realized on in a banking institution)-----</b>	<b>942, 466. 58</b>
Value of the dead investment to the operations on said reservation, to wit:	
Plant-----	\$125, 000. 00
Lumber, lath, and shingles-----	177, 056. 30
Logging operations, 1909-10-----	33, 817. 54
Buildings-----	45, 000. 00
Merchandise-----	14, 012. 22
Waterworks, sewerage, etc-----	10, 006. 16
Work on town site-----	3, 000. 00
Telephone system-----	2, 023. 88
Insurance, unexpired-----	3, 730. 39
Log loaders, wagons, etc-----	10, 232. 22
Horses-----	12, 000. 00
Railroad grade-----	8, 000. 00
Logs-----	73, 200. 00
	<b>517, 078. 71</b>
Loss-----	425, 387. 87
Stumpage, 50,866,000 feet timber at \$5-----	254, 380. 00
Interest on \$1,041,248.66 at 5 per cent per annum for a period of one year-----	52, 062. 43
<b>Total loss-----</b>	<b>731, 780. 30</b>
<b>Dead investments-----</b>	<b>942, 466. 58</b>
3762 Plant-----	\$254, 719. 45
Buildings and equipment-----	71, 987. 40
Waterworks-----	10, 006. 16
Merchandise-----	14, 012. 22
Dams and stream improvements-----	50, 992. 30
Insurance premiums-----	3, 730. 39
Telephone system-----	2, 023. 88
1909-10, logging-----	33, 817. 54
Horses-----	18, 630. 00
Fire protection (forests)-----	12, 506. 74
Log loaders, wagons, etc-----	14, 776. 47
Roads and improvements-----	43, 372. 74
Railroad grading-----	10, 188. 81
Mill refuse-----	234. 79
Improvements, mill sites 1 and 2-----	1, 742. 41
Lumber, lath, and shingles-----	230, 417. 05
Logs-----	172, 579. 46
	<b>945, 737. 81</b>
<b>Less sundry gains-----</b>	<b>3, 271. 23</b>
	<b>942, 466. 58</b>

*Loss and gain account.*

## DEBITS.

Mill and plant	\$129,719.45
Buildings and equipment	26,987.40
Lumber, lath, and shingles	53,360.75
Logs	99,379.46
Dams and stream improvements	50,992.30
Roads and improvements	40,372.74
Fire fighting	12,506.74
Horses	6,630.00
Log loaders, wagons, etc	4,544.25
Railroad grade	2,188.81
Improvements, mill sites 2 and 3	1,742.41
Wood and refuse	234.79
Interest	52,062.43
Stumpage	254,330.00
<b>Total debits</b>	<b>\$735,051.53</b>

## CREDITS.

Hotel	208.20
Bark and bolts	433.51
Trespass	14.00
Water for Wisconsin and Northern Railroad Company	262.00
Physician	1,974.61
Planing mill	147.00
Rent	231.91

**Total credits** 3,271.23

**Net loss** 731,780.30

**Loss on mill and plant:**

Cost	254,719.45
Inventory	125,000.00
<b>Loss</b>	<b>129,719.45</b>

**Loss on buildings and equipment:**

Cost	71,987.40
Inventory	45,000.00
<b>Loss</b>	<b>26,987.40</b>

**3763 A lumber company would invest in houses as follows:**

1 barn building	3,000.00
Barn equipment	3,000.00
4 dwellings and equipment for foremen	4,000.00
1 jail building	165.00
1 office and equipment	3,000.00
1 physician's building and equipment	550.00
36 houses for laborers	18,000.00
16 houses, tar paper	1,600.00
1 dynamite house	47.00
1 boarding house	9,000.00
Equipment	2,000.00
1 ice house	300.00
1 paint house	92.00
1 sleigh shed	210.00
1 harness shop	36.00

**45,000.00**

**Loss on lumber, lath, and shingles** 53,360.75

## DEBITS.

Logs sawed in umber, 25,368,338 feet, at \$8.97-----	\$227, 438. 97
Exp. mfg. lumber in pile, 23,825,509 feet, at \$3.67-----	87, 462. 48
	<u>314, 901. 45</u>

## CREDITS.

Sold -----	2, 178, 755 feet, at \$16. 23	
Used around plant -----	4, 575, 136 feet, at 12. 51	
	<u>6, 753, 891 feet, at 13. 71</u>	92, 629. 50
Inventory -----	16, 524, 499 feet, at 10. 26	169, 557. 49
Shortage -----	547, 119 feet.	
Loss -----		52, 714. 46
	<u>23, 825, 509 feet.</u>	<u>314, 901. 45</u>
Loss on lumber -----		52, 714. 46
Loss on shingles -----		1, 450. 79
		<u>54, 165. 25</u>
Gain on lath -----		804. 50
		<u>53, 360. 75</u>
Loss on logs -----		99, 379. 46

## DEBITS.

Cost of 50,866,129 feet, at \$8.39-----	426, 840. 01
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## CREDITS.

Sold -----	2, 423, 136 feet, at \$9.51--	23, 048. 71
Sawed, shingles and lumber -----	25, 730, 071 feet, at \$8.99--	231, 211. 84
Inventory -----	10, 100, 000 feet, at \$7.25--	73, 200. 00
Shortage -----	12, 612, 922 feet	
Loss -----		99, 379. 46
	<u>50, 866, 129 feet.</u>	<u>426, 840. 01</u>

Loss on dams and stream improvements, \$50,992.30.

3764 Pinchot Dam -----	4, 146. 82
Elm Dam -----	2, 146. 82
New Lake Dam -----	4, 727. 78
Basswood Dam -----	3, 507. 31
Pine Dam -----	4, 180. 06
Stream improvements -----	32, 268. 81
Total -----	<u>50, 992. 30</u>

## Sundry gains:

Hotel shows gain (no rent, interest, nor depreciation has been charged) -----	208. 20
Bark and basswood bolts (no expense was charged against these) -----	433. 51
Trespass -----	14. 00
Water for Wisconsin and Northern Railway Company (this should have been credited to sawmill, as it furnishes the water for locomotives) -----	262. 00
Physician account shows credit -----	1, 974. 61
Planing-mill account shows credit -----	147. 00
Rent on houses (no depreciation charged) -----	231. 91

Total gain -----	<u>3, 271. 23</u>
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Disposition of 50,866,000 feet of logs:	Feet.
Logs sawed into shingles.....	381, 733
Logs sawed into lumber.....	25, 368, 838
Logs sold to Oshkosh.....	2, 423, 136
Inventory, November 1, 1909:	Feet.
In booms at Shawano.....	2, 000, 000
In booms at West Branch.....	100, 000
In pond at Neopit.....	6, 000, 000
In main West Branch.....	1, 500, 000
In west Little Branch.....	500, 000
	<hr/> 10, 100, 000
Total accounted for.....	38, 253, 207
Less, as shown.....	12, 612, 922
	<hr/> 50, 866, 129

#### MENOMINEE INDIAN RESERVATION.

This reservation is located in the eastern and middle portion of the State of Wisconsin, and comprises ten townships, containing 230,400 acres, which reservation was set apart for the Menominee tribe of Indians, numbering some 1,500 people. Most of the inhabitants of this reservation reside in or around Keshena, where the agency is located, or in the eastern portion of the reservation. The four western townships of this reservation are estimated to contain 950,000,000 feet of standing timber, and the balance of the reservation is estimated to contain 506,000,000 feet of standing timber, making a total of 1,456,000,000 feet. No estimate has ever been made of all of the timber on this reservation, but the figures above were obtained from an estimate made of the standing timber on the townships joining this reservation on the north and which are timbered about the same as those on the reservation.

The opinion of lumbermen familiar with this reservation as to the percentages of different kinds of timber thereon vary, but in my opinion, from all of the information obtained, the different classes of timber might be stated as follows:

	Per cent.
Hemlock .....	35
Pine .....	10
Birch .....	15
Basswood .....	15
Maple .....	13
Elm .....	8
Oak, cedar, tamarack, and other timber.....	4
	<hr/> 100

3765 The hardwood timber will not float, except the basswood, and this timber when driven in streams is worth from \$3 to \$10 per thousand feet less when manufactured into lumber. Therefore, 55 per cent of the timber on this reservation must be railed in if manufactured on said reservation.

## LOGGING OPERATIONS PREVIOUS TO THE PASSAGE OF THE ACT OF JUNE 28, 1906.

The records of the Indian Office as furnished me show the following result of the logging operations conducted on the Menominee Indian Reservation under the act of 1890, from 1890 to 1908:

Season.	Feet of logs.	Cost.	Sold for.	Profit to Indians.
1890-1891.....	22,789,580	\$76,326.65	\$232,252.78	\$155,926.13
1891-2.....	20,000,000	78,780.38	211,600.00	132,819.62
1892-3.....	20,000,000	78,747.44	275,000.00	196,252.56
1893-4.....	13,330,000	71,122.50	111,305.50	40,183.00
1894-5.....	17,000,000	75,523.33	158,313.90	82,790.57
1895-6.....	17,000,000	78,498.08	165,859.27	87,361.19
1896-7.....	17,000,000	75,185.69	174,880.26	99,694.57
1897-8.....	16,000,000	75,684.84	201,688.05	126,003.21
1898-9.....	16,000,000	73,816.22	241,280.00	167,463.78
1899-1900.....	15,000,000	72,703.73	243,750.00	171,046.27
1900-1901.....	15,000,000	73,336.47	198,750.00	125,413.53
1901-2.....	15,000,000	75,045.80	259,050.00	184,004.20
1902-3.....	15,000,000	71,700.32	244,500.00	172,799.68
1903-4.....	20,000,000	95,236.60	256,961.00	161,724.40
1904-5.....	20,000,000	95,700.00	311,000.00	215,300.00
1905-6.....	17,500,000	95,697.77	289,500.00	193,802.23
1906-7.....	17,500,000	95,788.71	325,700.00	229,911.29
	294,099,560	1,358,894.53	3,901,390.76	2,542,496.22

This shows an average profit per thousand feet of \$8.65. Figuring the standing timber, 1,456,000,000 feet, at a profit of \$8.65 per thousand would make a total profit of \$12,594,400.

The records of the Indian Office show that there was on hand in the Menominee trust fund at the beginning of the operations of 1908 \$3,000,000. Add this to the profits to be made in the future from the timber standing, and you get approximately \$15,000,000. If the money should be divided at the end of the cutting, there would be about \$10,000 for each and every man, woman, and child on the Menominee Indian Reservation, or if the funds were left in trust drawing 5 per cent interest in the future as in the past, there would be approximately \$750,000 in interest, which would make a yearly payment to each man, woman, and child of about \$500. Certainly it would seem that the Menominee Indians were well provided for, both for the present and the future; and there would seem to have been no necessity for any change by the Government in the methods of handling this timber. The Government, as guardian for these people, certainly would not be justified in making any changes until such times as it had been thoroughly demonstrated by practical men that there was absolute certainty of greater profit to the Indians by any new method of selling or manufacturing their timber which might be agreed upon.

## CYCLONE OF JULY 16, 1905.

On July 16, 1905, there was a heavy windstorm on the Menominee Reservation, which blew down a great deal of timber. It has been described by parties who were on the ground as a very peculiar storm. It did not blow down a solid body of timber in any one place, but blew down timber in bunches of different sizes over quite a large area of territory, commencing in the western half and running through the central portion of the four west townships.

This windstorm marks a change in the method of dealing with the trust funds and the property of the Menominee Reservation by the Government, which, in my estimation, has not been for the best interests of the Indians, and if persisted in will eventually cause them great material loss.

The Interior Department felt called upon, as they should, to take some action looking to the disposal of the 50,000,000 feet, or more, which had gone down in the storm, so that as little loss as possible might be suffered by the Indians. Under the rule by which the operations had been conducted in the past it would seem to have been good policy to have cut this timber and sold the logs 3766 to parties who were in the market to buy the same, or to have sold the timber as it lay upon the ground to the manufacturers of hard wood in the surrounding territory.



I am advised by members of the business committee of the Menominee tribe that pursuant to this policy Congressman Brown, of Rhinelander, Wis., in the session of Congress following the cyclone, introduced a bill providing for the sale of the stumpage on the sections of land in these townships affected by the storm, which bill included the standing timber on said sections as well as the blown-down timber. I have not seen a copy of this bill, but am making the above statement from the information furnished me by Mr. Oshkenanlew, a member of the business committee of the Menominee tribe, who stated to me that when the Brown bill came before Congress he (Oshkenanlew) was elected to represent the tribe at Washington; that, as he expressed it:

"With the assistance of Senator La Follette, of Wisconsin, I succeeded in killing the Brown bill, and the Senator (meaning Senator La Follette) told me that the Oshkosh lumbermen had been making too much money from our logs and he would see that this business was taken away from them."

I then asked this Indian if the act of June 28, 1906, was the result of the labors of himself and Senator La Follette, and he advised me that this was not exactly the case, although the bill was favored by them, but that the act of March 28, 1908, was the result of the labors of himself and Senator La Follette; that the first act authorized the business committee to handle the matter, while the latter act made it necessary to manufacture the timber on the ground by the Government.

If what this Indian stated is true, the act of March 28, 1908, is the result of the labors of two men possessed of no practical experience in great business affairs, and the result of this legislation has wrought ruin to the funds of the tribe. I made no effort to verify the statements of this Indian, as I felt this was not a part of my duties, and only mention it as a possible cause for the result attained.

The act of June 28, 1906, on its face indicates that it was an emergency act, but its only result was to show that the business committee or some of its members could not act honestly among themselves. The act of March 28, 1908, appears also to be an emergency act, but according to the statements of Mr. Oshkenanlew, one of the promoters of the act of March 28, 1908, its main object was to prevent the sale of these logs to the lumbermen of Oshkosh, Wis. If the act was in reality an emergency one, to take care of the timber destroyed by the cyclone at a profit for the Indians, then it has failed in its object; but if the latter interpretation is to be given the act we may conclude that it was a success.

The records of the Indian agency at Keshena disclose that the Indian Bureau, under the Department of the Interior, permitted a large number of Indians to go upon these lands under the act of June 28, 1906, and cut the timber into saw logs and land them at different points on the reservation, to wit:

At mill site No. 2, as indicated on the plat hereto attached and marked "Exhibit B"-----	Feet. 7,000,000
At mill site No. 3, indicated on said plat-----	5,816,000
On the main West Branch of the Wolf River-----	11,910,000
On the little West Branch of the Wolf River-----	15,910,000

And the records disclose that 5,741,000 were landed on the Wolf River and tributaries thereof, south of Neopit, and 1,758,000 on the South Branch of the Oconto River.

The timber on the tributaries of the Wolf River south of Neopit and on the South Branch of the Oconto River, as I understand it, was cut under the act of 1890, and the logs landed on the Main West Branch and the Little West Branch of the Wolf River were intended to be sawed at mill site No. 1, which, on the attached map, is known as Neopit. It was therefore contemplated that portable mills should be erected at mill sites Nos. 1, 2, and 3; but it appears that no active logging operations were undertaken under the act of June 28, 1906, until the logging season of 1907-8, and I was unable to ascertain from the records at my disposal the reasons why some action had not been taken to take care of the timber blown down by the cyclone above referred to until over a year had elapsed since the passage of the act, and the timber had been deteriorating in value during all of this time. It therefore seems that some action should have been taken during the logging season of 1906-7 to take care of the timber destroyed by this cyclone, and perhaps the records of your office will disclose some good reason why such action had not been taken. The logging operations begun under this act during the season of 1907-8, as referred to above, were

disposed of under a subsequent act, passed March 28, 1908, which provided that mills might be erected upon the reservation to saw this timber and specified that not more than 20,000,000 feet of green timber could be cut in any 3767 one year. The records at my disposal did not disclose that any provision had been made by the Bureau of Indian Affairs for the sawing of this timber at the time the logging operations commenced during the season of 1907-8, and in the absence of further data it occurs to me that the department is open to criticism for beginning operations without making proper provisions for the taking care of these logs when cut, as they were landed at points on the reservation where it was impossible to get them to market without the building of railroads. It does appear, however, that on January 22, 1908, the Bureau of Forestry undertook to take care of this timber in accordance with an agreement signed on said date by the Secretaries for the Departments of Interior and Agriculture; but no move was made by the Forestry Bureau, so far as I am able to learn from the records, until on or about March 10, 1908, when the Bureau of Forestry sent its representative, Edward A. Braniff, a recent graduate from the School of Forestry of Yale University, a man of very limited experience in the lumbering business, as shown by his own statement, as given to Mr. James A. Carroll, of the Indian Bureau, said experience being limited to the supervision of the cutting of some timber by the Kirby Lumber Company, of Texas; but nowhere can I find that the superintendent sent by the Forestry Bureau to handle these extensive operations contemplated under the act of March 28, 1908, had ever had any experience in the manufacture of lumber, the erection of sawmills, building of railroads, improving of streams, or the selling of the output of a large manufacturing plant, such as was later erected at Neopit, Wis.

It therefore must have been contemplated by the Bureau of Forestry that these operations should have been conducted largely from the bureau's headquarters at Washington, D. C., by its more experienced lumbermen, as the correspondence on file at the Neopit office discloses that such was the case, as Braniff, the superintendent, was frequently overruled by the officers of the Bureau of Forestry. It must be conceded that the proposition which confronted the Bureau of Forestry in March, 1908, was such that would warrant the placing in charge of these operations a man of many years' experience and of recognized ability to grasp the situation and provide a plan that would take care of the timber already cut, so that its value might be saved to the Indians, who are the wards of the Government; but such was not the case in the selection made by the Bureau of Forestry, as the plans finally adopted by said bureau clearly indicate that the main object of this emergency act was relegated to the rear and a plan adopted for permanent improvements for future operations on this reservation. After spending considerable money in erecting a frame for a sawmill at mill site No. 2 and clearing the site No. 3, the Bureau of Forestry abandoned said sites and the improvements thereon, and selected mill site No. 1 for the location of a permanent plant, and began the laying out of a town site called Neopit, on which there was expended a large amount of money, and included the erection of a sawmill plant at a cost of \$254,719.45.

Buildings and equipment.....	\$71,987.40
Water works, etc.....	10,006.16
Telephone system.....	2,023.88
Building of dams and making of stream improvements, as shown by the records.....	50,992.30

For a more correct statement of these expenditures, I refer you to "Exhibit A," hereto attached, column designated "Trial balance;" and before passing upon this subject I want to call your attention to some of these expenditures in particular, and their relation to the operations authorized under the act of March 28, 1908, and June 28, 1906.

A modern sawmill, costing \$148,901.61, to take care of an annual cut of 20,000,000 feet of green timber, authorized under said acts, which mill has a sawing capacity of 4,000,000 feet per month, or 48,000,000 feet per annum, more than double the capacity authorized under the act of March 28, 1908. The total cost of the plant erected by the Bureau of Forestry as shown by the records is \$254,719.45 (for the items making up this expense see "Exhibit A"), while a plant capable of cutting 20,000,000 feet per annum could have been erected at a cost not to exceed \$125,000, showing a loss to the Indians on account of extravagance and poor judgment in this one item of \$129,719.45.

The buildings and equipment, exclusive of the plant, as erected by the Bureau of Forestry, cost \$71,987.40, while buildings and equipment suitable for taking care of these operations could have been erected at a cost of \$45,000, leaving a loss to the Indians under this head of \$26,987.40

3768 Dams and stream improvements were erected by the Bureau of Forestry at a cost of \$50,992.30. This item of expenditure is made up on the records as follows:

Pinchot dam.....	\$4, 146. 82
Elm dam.....	2, 161. 52
New Lake dam.....	4, 727. 78
Basswood dam.....	3, 507. 31
Pine dam.....	4, 180. 06
Stream improvements.....	32, 268. 81
Total.....	50, 992. 30

While a careful examination of the necessity for stream improvements and dams clearly shows that sufficient improvements to take care of the floatable timber on these streams, and that timber which would not float by hoisting same preparatory to loading it on cars for shipment, could have been erected by any lumber company at a cost of \$5,000, and it is even doubtful if expenditures amounting to the sum above stated would have been necessary for the reason that these streams were largely improved before the Bureau of Forestry began its logging operations on said reservation; and for future operations one must consider this as a total loss to the Indians of \$50,992.30.

I find from the records in the office at Neopit that the item of stream improvements, amounting to \$32,268.81, can not be explained by the bookkeeper, except that when he entered upon his duties as bookkeeper in July, 1908, the superintendent for the Bureau of Forestry refused to permit him to open a regular set of books and itemize the expenditures under this and other heads, but directed him when certain bills would come in which could not be accounted for under other heads to charge same to "stream improvements."

From my examination of these streams and from reliable information furnished me by the Indians and whites who were present when these alleged improvements were made, I can not conceive how any such amount of money could have been expended in improving these streams, and it occurs to me that either the Bureau of Forestry was astounded at their extravagance in other channels and used the stream improvement head as a clearing house, so that their extravagance might not be noticed by the Interior Department, or else a part of this money charged to this improvement was never actually paid out for the project in question, and I am satisfied that any practical lumberman or logger of experience would severely criticize any department of the Government for expending \$32,268.81 on improving streams in question. The Little West Branch of the Wolf River was already improved and millions of feet of timber had been driven on this stream for years by lumber companies operating thereon; and I could find no one of the opinion that any expenditures were necessary for this stream.

In regard to the expenditure of \$10,006.16 for waterworks, sewerage, and heating plant, I have no criticism to offer.

As to other items of expenditure I refer you to Exhibit A, which including the items heretofore referred to, leaves a value to present operations of \$517,078.71, or a total loss on the investment of \$428,659.10, less gain of \$3,271.23 (as shown by Exhibit A)—net loss, \$425,387.87. Adding to this the loss of 50,866,000 feet of timber, at \$5 per M feet, amounting to \$254,330, and 5 per cent interest for one year on \$1,041,248.66, amounting to \$52,062.43, makes up a total loss on the logging operations, as conducted by the Bureau of Forestry on the Menominee Indian Reservation, for the period from the middle of March, 1908, to November 1, 1909, of \$731,780.30.

In order that I might not be compelled to take up each item of expenditure in this report proper, I have attached Exhibit A, above referred to; but before passing from these items of expenditure I desire to call your attention to the location of the mill and yard as the most serious mistake made by the Bureau of Forestry and one which no practical lumberman or business man of experience would have made, and which, in my opinion, clearly shows that this Bureau is impractical and inexperienced in matters of this kind, and should rightfully be classed as theorists, pure and simple, and should confine themselves to the culture of trees.

The plant and yard erected at so great a cost to the Menominee Indians is to be used for the future, and the mistakes of the Bureau of Forestry in this respect will have to be contended with by the other departments of the Government, should these operations be continued, and at great loss to the tribe. The mill is located on the north side of the river, and the place originally selected for the lumber yard was a small point of land surrounded on the south side by the river and on the north side by a slough. This point of land is capable of holding about one million feet of lumber when properly piled, while a yard

necessary for the cut of a mill of this size should be capable of holding 3769 at least fifty or sixty million feet of lumber; and later on when the

Bureau of Forestry discovered that the yard as selected by them was impossible of taking care of any amount of lumber they were forced to select the slough above referred to as a yard in which to pile the lumber; and as the Norway dam had backed up the water into this slough to the depth of from 2 to 10 feet it became necessary to drive piling on which to pile the lumber, and all lumber so piled, except hemlock, is practically rendered unsalable at full market value on account of the moisture and by steam from said marsh; and this in a measure necessitated the large expenditure of building a yard, as shown in Exhibit A, amounting to more than \$56,000; when on the south side of this river the mill could have been erected and a lumber yard planned capable of taking care of any amount of lumber, where no marsh exists and which is an ideal spot for a lumber yard, and which would not have cost to exceed \$3,500.

The records disclose that in tramways and foundations in this yard 2,192,000 feet of lumber was used, which at that time was worth \$32,880, and it is a well-known fact that lumber of this kind will have to be replaced on an average of every four or five years. I am thoroughly satisfied that lumbermen, business men, and even the Indians in the State of Wisconsin are thoroughly satisfied that such a mistake could not have been made except by one absolutely ignorant of the manufacturing of lumber and the uses of a lumber yard. Some of the Menominee Indians stated to me that if the Government had any more experts from the school of forestry of Yale University they did not want them sent to their reservation to get their experience in manufacturing lumber from the timber belonging to this tribe.

#### FLOTABILITY OF TIMBER.

There is some question as to the percentages of the different kinds of timber on said reservation and some difference of opinion as to the percentages on what is known as the blown-down district, but probably the best authority which we have on this question is the estimate made by W. H. Farr on behalf of the Indian Office, as shown in his report of September 27, 1906, which was immediately following the cyclone referred to in this report. Mr. Farr's estimate covers sections 2, 3, 4, 10, and 11 of Twp. 29 N., R. 13 E., and section 31, Twp. 30 N., R. 13 E., or six sections in all, or a total of 20,870,000 square feet, which estimate is sufficiently large enough to give us a good idea of the percentages of the different kinds of timber involved in what is known as the blown-down district. From this report I find that there was—

	Per cent.
Hemlock -----	26
Basswood -----	20
Maple -----	13
Elm -----	22
Pine and other kinds -----	9
Birch -----	10

Which leaves about 65 per cent of the timber on said blown-down district which should not be put into streams or any attempt made to drive the same. The birch, maple, and soft elm will immediately sink on being placed in the water. While the basswood is a good floater, yet if it is placed in the water, lumber manufactured from said logs is worth from \$3 to \$10 per thousand feet less than the same basswood were it railed in to the mill. The rock elm will float for a short time, but later on sinks, and thereafter can not be floated. It will therefore be seen that a large part of the loss on this operation was caused by the mismanagement of the officials of the Bureau of Forestry in attempting to drive logs that are not floatable, and spending more than \$50,000 of the Indians' funds on stream improvements. Of course, it may be argued that

when the Bureau of Forestry entered into this agreement with the Interior Department the contractors who were then under the supervision of the Indian Bureau and its officials had landed these logs in the river, but I am advised by the employees now working on these operations at Neopit, who were also working there during the winter of 1908, that over 8,000,000 feet of these logs were landed in these streams after the arrival of the representative of the Bureau of Forestry upon the ground.

I am satisfied that any practical lumberman, being confronted with the same problem that confronted the representative of the Bureau of Forestry in March, 1908, would have made immediate plans for the taking care of the timber already cut and the hoisting from the river of all nonfloatable timber rather than to spend over \$50,000 in stream improvements, which in the future would become a total loss and which the records have shown resulted in a loss of nearly 25 per cent of the logs cut from the blown-down district.

## 3770

## ROADS.

The records of the office at Neopit show that the Bureau of Forestry made improvements on what is known as Phlox road and spent thereon the sum of \$29,417.95; or, in other words, made a boulevard from Neopit to the west line of the reservation on what is commonly known as the Phlox road; and on the road running east from Neopit to Keshena for a distance of  $4\frac{1}{2}$  to 5 miles the same bureau spent the sum of \$10,954.79, or a total of \$40,372.74.

The Phlox road, before its improvement by the Bureau of Forestry, had been used years and years by the lumbermen as a tote road driveway, and with the exception of cutting out a few windfall trees could have been used by the Forestry Bureau in any of its logging operations at Neopit, except, of course, as a logging road which to-day it is equally unfit for on account of the grades. The road to Keshena also had been used many years by lumbermen and Indians, and I can conceive of no reason whatever why this bureau should have squandered \$40,372.74 for these improvements. The only reason which has been advanced at all for this expenditure is a statement appearing in a copy of a letter found by me in the Neopit office written by Mr. Gifford Pinchot, the Forester, to the Commissioner of Indian Affairs, dated December 22, 1908, in which he states:

"This road is the chief and almost the only line of communication from the Wisconsin and Northern Railroad to the west line of the reservation. Over it has been hauled a large amount of supplies used in the various construction camps. It is also an exceedingly desirable improvement for the use of the Indians living on the reservation, since the road, before it was rebuilt, was nearly impassable in many places at certain seasons."

I do not know on what authority the Forester based his conclusions as given above, as the evidence is ample to prove conclusively to any person that this road, while, of course, not constructed for the use of an automobile, had been used for years by the lumbermen in toting supplies and reaching the western portion of the reservation, including the town of Phlox immediately west of the reservation line, and if it was practicable for private corporations, the Indians, and citizens of Wisconsin to use this road in the past and that it met and fulfilled the demands placed upon it, then I can see no good reason why the Forester should attempt to justify such an expenditure as that made by his bureau in his letter to the Commissioner of Indian Affairs.

I also find that the Forester, in a statement that this road is the only means by which the Indians can reach the western side of their reservation, intimates that a large colony of Indians might be found residing in the western portion of said reservation, while, from my personal knowledge and examination, less than one dozen Indians reside on the western part of the reservation to which this road is tributary, and this road is of absolutely no benefit whatever, notwithstanding the statement of the former Forester, to the Indians residing on this reservation.

## FIRE FIGHTING.

The records of the Neopit office disclose that \$12,506.74 was spent by the Bureau of Forestry in fighting fires on this reservation, and by the bookkeeper at Neopit it was carried as an asset. when, of course, it should be an expense account and charged off from the present logging proposition. I could find no record itemizing this large amount of money used for fighting fires, but it seems

to be another case of extravagance of the management of the operations as they were conducted from March, 1908, to October 31, 1909, and at this point I desire to call your attention to the logging operations conducted under the Interior Department on the Chippewa Indian Reservations of Minnesota, under what is known as the Morris Act, wherein William O'Neil, of Cass Lake, Minn., is the superintendent of logging, and I refer you to his last annual report in which he shows that there has been expended in fighting fires on the reservations included under the Morris Act since the logging operations began some five years ago, the sum of \$770.68, and in connection with this matter I would state that the area covered by the operations under the Morris Act is many times larger than the total area of the Menominee Reservation, and the refuse from the said logging operations in Minnesota are much more inflammable than those from the operations on the Menominee Indian Reservation of Wisconsin. It seems to be the consensus of opinion that either this money was squandered by the management or else the head "Fire fighting" was used by him as a clearing house for some other expenditures which the management did not care to have charged to its proper account.

3771

## MISCELLANEOUS ITEMS.

I find from the records that in every department of these lumbering operations as conducted by the Bureau of Forestry there is to be found evidence of gross extravagance on the part of the management, such as in the purchase of horses, the purchase of logging sleighs, and to-day these logging sleighs and wagons may be found scattered over the reservation in great numbers and apparently there exists no use for the large number of these vehicles. Many of them are stored around the camps or at the central plant at Neopit. There are log loaders known as gasoline mine hoists which are worthless for hoisting logs, and should not have been purchased for logging operations and which at the present time are discarded by the present management of the Neopit mill. The books also show that there has been a loss of \$234.79 in the handling of wood and refuse, while no good reason exists why such should be the case, and it can only be attributed to mismanagement on the part of the superintendent. I also find the camps, while built of lumber, are poorly constructed, and that in many instances comfortable logging camps built of logs were torn down by the management and these lumber camps substituted therefor. All of these camps are now leaking very badly on account of the roofs not being put on properly, and in my opinion will be in the near future a total loss and rendered practically unfit for logging purposes.

## MANUFACTURE AND SALE OF LUMBER.

The records show that the sawmill at Neopit started to operate on or about January 1, 1909, and up to the close of business on October 31, 1909, had manufactured 25,368,000 feet of logs into 23,825,000 feet of lumber at an average cost of lumber into the pile of \$3.73 per thousand, making a total shortage of lumber from said logs of 547,000 feet, while in all properly conducted mills belonging to private individuals or corporations an overrun is always expected of from 15 to 25 per cent, and this is the first instance that I have ever heard of where logs scaled up at the mill slide and the lumber cut therefrom scaled at the tail of the mill gave less lumber, board measure, than was shown in the logs when the scale was made. This loss can only be explained in either:

1. An overscale in the mill slide.
2. A loss by means of poor work done in sawing.
3. Or that the product was used for other purposes than lumber, or, in other words, wasted.

I made inquiry from the old mill hands now working at this mill, and some information was furnished me tending to show that the management under the Bureau of Forestry found that he needed firewood and caused to be cut into firewood some of the lumber that passed from the tail of the mill. However, I question whether this is correct, as it does not seem to me that any sane man would be so extravagant as to cut his lumber up into firewood when it was worth much more as lumber than it was as firewood.

I also made a careful examination of the whole stock of lumber now piled in the yards, and I find that a great deal of it was manufactured poorly and in such a way as to render it unsalable, and I think the records of the Neopit office showing the proceeds derived from the sale of this lumber, mill-run, will

convince anyone that there was something radically wrong with the manufacturing of this lumber.

I also desire to call your attention to another bad feature of these operations, and this is one which no bureau is to blame for, but the responsibility must be placed on the act itself, and that is the method and manner of selling the product of this mill. Under the present law the lumber must be sold by sealed bids and to the highest bidder for cash, and as the law is at present interpreted and enforced the purchaser must pay for this lumber before it is removed from the yard. This method eliminates the retail yards throughout the country from purchasing any of this product, and the statistics will show the money made by the manufacturing of lumber comes largely from the prices received from the retail dealers. The method as it now exists limits the sale of the government product to what are known as "scalpers," and they pay from \$2 to \$4 per thousand feet less than what the retail yards pay. Or, in other words, it excludes the retail buyer from coming to Neopit or sending in his orders for the purchase of carload lots and mixed carloads, and paying for this timber from thirty to sixty days after delivery.

#### PURPOSE OF THE AGREEMENT OF JANUARY 22, 1908.

While no information has been furnished me directly or indirectly by your department or any other branch of the Government as to the purpose underlying the agreement entered into on January 22, 1908, by the Departments 3772 of Interior and Agriculture whereby these operations were to be conducted by the Bureau of Forestry, yet I find in the files of the Neopit office a copy of the Shawano County Advocate of December 1, 1908, which copy is herewith inclosed and marked "Exhibit C," in which will be found a statement over the signature of E. A. Braniff, forest officer in charge of logging and lumbering operations on the Menominee Reservation, which sets out in detail the object of this agreement, to wit:

"The admirable purpose of the act of March 28, 1908, under which the Forest Service is conducting lumbering operations, requires that three main results be secured, namely: The enterprise must be a financial success; it must do something for the Indian; and it must reproduce the forest."

In regard to the results obtained I think very little need be stated at this time as to the first proposition of the act, as the records themselves, and this report in particular, will clearly show that the Bureau of Forestry failed in its purpose to make the enterprise a financial success, as a loss has been sustained of over \$700,000.

As to the second proposition of the act to do something for the Indian, I need only refer you to the copy of the letter of Mr. Gifford Pinchot, former Forester of the Bureau of Forestry, dated December 22, 1908, addressed to the Commissioner of Indian Affairs, a copy of which is herewith inclosed and marked "Exhibit D," in which the former forester, who at that time was the head of the bureau which had charge of these operations, admits the failure of the Forest Service to accomplish the second purpose as outlined in Mr. Braniff's letter to the editor of the Shawano County Advocate:

"The Forest Service has been compelled to do a very large and very difficult piece of work this past summer in a short period and under conditions which required the greatest energy and resourcefulness of its men. The condition on the reservation when the Forest Service men took charge was such as to call for emergency measures unless a heavy financial loss was to fall on the tribe. The service men have kept the work going and have accomplished the heavy task put upon them. In their efforts to save the tribe as a whole from heavy financial loss they have had, and probably will have in the future, little time to consider the characters and needs of individual Indians, and in this feature their work has fallen short of complete success. It is also true that many of the Indians were prejudiced against the Forest Service officers by the representations of the former Indian agent, who resigned, and of the former superintendent of logging, who was removed, and by certain Indian contractors who were profiting at the expense of the tribe under the former administration."

The records at the Neopit office, as well as information furnished me by the Indians and whites, clearly show that nothing has been done for the Indian either to educate him as a skilled workman, to induce him to labor and save his money as many of the white men do, or to fit him for full citizenship by inducing him to imitate the white men who had been placed in charge of these operations to convince the Indians that their timber could be cut into logs

and manufactured into lumber and sold on the reservation at a greater profit than had come to them from their former logging operations. The Indians themselves tell me that the manager for the Bureau of Forestry mistreated them and gave them practically no opportunity to learn anything in connection with these operations, and certainly the example set by the management as to promoting an enterprise that would be a financial success to the Indians has clearly convinced these wards of the Government that the balance of their trust funds, as well as the stumpage on their reservation, is in grave danger of becoming a total loss to the members of their tribe. These men are worried as to the present outlook, and it is my opinion that they have good reasons to be worried, as I am satisfied that if a proper inventory is taken at the close of business for the year 1910 and the property of the Menominee project depreciated on the same basis as any lumber company would depreciate its property under similar circumstances, the Indians will have sustained a loss of from \$100,000 to \$200,000 for the year of 1910. This is due largely to the following causes:

1. The present indebtedness incurred by the former management.
2. The impossibility of obtaining good grades of lumber on account of the location of the yard.
3. The impossibility of getting any good lumber from the logs as cut under the present system.

And in connection with the latter reason I desire to state that this is a very serious matter, and it should, in my opinion, if the manufacture of lumber is continued at this plant in the future, be properly laid before Congress and the act amended so as to eliminate the system of marking trees for cutting on this reservation. Under the present law the Bureau of Forestry, through its representatives, and many of these men are young and inexperienced, no timber can be cut into saw logs except those trees marked by the forest officers, and I find that these men are marking only such trees that are crooked or defective in some other manner, and that the large and mature 3773 trees which would make the better grades of lumber are left standing on the land, and an examination of the lumber yard will convince anyone that the Neopit mill can not manufacture any good lumber out of the logs cut from the trees marked by the officers of the Bureau of Forestry, and owing to the great competition in the hard-wood business in the State of Wisconsin it is a physical impossibility under such a system for the Neopit mill to manufacture hard-wood lumber from said logs at a profit to the Indians.

It may be true in theory that the position taken by the Bureau of Forestry is correct and that these trees should be cut, but as applied to a practical proposition it can not be accomplished with a profit to the Indians. If some plan were adopted whereby all of the large trees on these lands, together with the defective trees, were taken and cut into saw logs, then undoubtedly enough good lumber would be obtained to offset the poor grades so that on the whole lumber could be manufactured and sold at a profit.

As to the third purpose of this agreement as stated by Mr. Braniff—the reforestation of this reservation—I have very little comment to make thereon, for the reason that this is a matter which should be better understood by the experts of the Bureau of Forestry than the average layman; but I have recently been advised by one of the most prominent lumbermen in the Northwest, who is connected with many lumbering operations which might be classed as being close to the former Forester of the Bureau of Forestry, in which the said lumberman stated in substance as follows:

"That a few years ago Mr. Pinchot was of the opinion that reforestation was practical in the Northwest, but Mr. Pinchot has changed his mind in recent years, and while he has never publicly made such a statement he admitted to said lumberman that reforestation was not practical in the Northwest."

This statement was made by the lumberman in the presence of myself and one or two other persons, and, if necessary, the name of the lumberman will be furnished; although I prefer to refrain from mentioning his name, as no doubt he would not feel like being quoted in a matter of this kind, and I simply make the statement believing in the integrity of said lumberman, for the purpose of showing that the former Forester undoubtedly has become convinced, as practically all of us have who have resided in the Northwestern States for years, that practical reforestation is impossible in these States. By that I do not mean that trees can not be made to grow, but the whole scheme is impractical and can not be accomplished at a financial profit to anyone.



## CONCLUSION.

The act of June 28, 1906, was a failure and did not accomplish the purpose for which it was enacted, and the only benefit that might be said to have been obtained from the passage of said act was the practical demonstration that the business committee of the Menominee Indian tribe, when permitted in a large measure to handle their own affairs, proved themselves incompetent and guilty of entering into fraudulent contracts with themselves.

The act of March 28, 1908, commonly known as the La Follette Act, was a vicious piece of legislation and has resulted in a loss to the Indians up to and including October 31, 1909, of over \$700,000, and if operations are continued under said act without the same being amended the balance of the tribal funds of the Menominee tribe, as well as the stumpage on their reservation, is in grave danger of being a total loss. This act should be repealed if the rich heritage of the Menominee Indians is to be held for their benefit, and this act has resulted in convincing the Indians of the Menominee Reservation, as well as the citizens of the State of Wisconsin who are competent from a business training to pass judgment, that the Bureau of Forestry has shown itself to be incompetent to cut and manufacture this timber at a profit to the Indians or with credit to themselves; and it is yet to be proven and determined that the Government, through any of its departments, can manufacture and sell timber or any other merchandise at a profit, and if it is the desire of the Government to demonstrate that it can do so they should do it at the expense of all the people and not of these ignorant, helpless Indians, who are the wards of the Government and should be protected.

In closing I would respectfully refer you to the logging operations under the Morris Act in Minnesota and the logging operations under what is known as the Odanah plan in the State of Wisconsin, and suggest that you make a careful comparison of these several operations, and I am satisfied that you will be convinced that the operations under the Morris Act has:

1. Been a financial success to the Indian.
2. That the supervision of these operations has been conducted by the Department of the Interior without scandal, with credit to the department, and with the minimum cost to the Indians.
- 3774 3. That the Indians as a whole have confidence in this plan and have been taught in a measure how to log timber of this class on their reservation.

As to the Odanah plan you will find that the operations have been a financial success to the Indians; that the Indians have been taught not only how to work in the logging camps, but have also become skilled workmen in the manufacturing plant located on their reservation; and that a large percentage of these Indians are now living as white men live, own their own homes, and have become self-supporting.

These plans should be considered together with the Menominee project, and in my opinion the matter should be squarely placed before Congress in the near future if the property of the Menominee tribe is to be preserved and the most made thereof.

Very respectfully,

S. J. COLTER,  
*Chief Eighth Field Division.*

*Balance sheet, November 1, 1909.*

Name.	Inventories, memorandum only.	Trial balance before closing.	Inventories.	Loss and gain.	Trial balance after closing books.
		Dr. Cr.		Dr. Cr.	Dr. Cr.
P. S. Everest (special disbursing agent), cash.					
Accounts receivable.		\$124,179.50			\$124,179.50
Mills and plant:		2,099.31			2,099.31
Blacksmith and machine shop.					
Norway Dam.....		\$8,561.07			
Electric-light plant.....		7,488.50			
Hot pond.....		6,462.87			
Dry shed.....		4,245.35			
Loading docks, lumber yard.		1,284.97			
Loading tracks, lumber yard.		2,283.39			
Mill boom.....		2,370.12			
Planing mill.....		600.00			
Pile bottoms.....		16,463.41			
Sawmill.....		16,164.51			
Tramways.....		148,901.61			
Warehouse building.....		40,251.63			
Lumber:		254,719.45	\$125,000.00	\$129,719.45	125,000.00
Logs.....	\$227,438.97				
Millwork, etc.....	87,462.48				
Lath, millwork.....		314,901.45			
Shingles:		\$169,557.49			
Logs.....		4,301.57			
Millwork, etc.....		3,197.24			
Logs.....		73,200.00			
Sawn.		231,211.84			
Sawned.		23,048.71			
Buildings and equipment therein:					
Barn building.....		3,504.35			
Barn equipment (harness, etc.).....		3,155.69			
Dwellings (4 officers' houses).....		11,783.46			
Equipment in officers' houses (furniture, etc.).....		980.43			
Jail building.....		164.37			
Office building.....		4,969.20			
Office equipment.....		1,455.33			
			254,260.55	99,379.46	73,200.00

## Balance sheet, November 1, 1908—Continued.

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Name.	Inventories, memorandum only.	Trial balance before closing.		Inventories.	Loss and gain.		Trial balance, after closing books.
		Dr.	Cr.		Dr.	Cr.	
Physician building.....		\$366.90					
Equipment in physician building (furniture, etc.).....		155.27					
Dwellings (employees' permanent houses).....		27,375.22					
Dwellings (employees' tar-paper houses).....		4,083.13					
Dynamite house.....		46.93					
Hotel building.....		9,998.20					
Hotel equipment (furniture, etc.).....		2,955.57					
Ice house.....		405.68					
Paint house.....		91.70					
Sleigh shed.....		429.29					
Harness shop building.....		36.68					
		\$71,987.40		\$45,000.00	\$26,987.40		\$45,000.00
Waterworks, sewerage, and heating plant:							
Waterworks.....		6,086.89					
Sewerage.....		971.21					
Heating plant.....		2,948.06					
Merchandise in warehouse, hotel, barn, and physician's building.....							
Mill supplies.....		10,006.16		10,006.16			
Dams and stream improvements:		10,567.93					
Pinchot dam.....		3,454.29		14,012.22			14,012.22
Elm dam.....		4,146.52					
New Lake dam.....		2,161.52					
Basswood dam.....		4,727.78					
Pine dam.....		3,507.31					
Stream improvements.....		4,180.06					
		32,268.81					
Insurance.....		50,992.30			50,992.30		
Telephone system.....		3,730.39		3,730.39			3,730.39
Camps, logging roads, landings, etc.		2,023.88		2,023.88			2,023.88
Horses.....		33,817.54		33,817.54			33,817.54
Fire protection (forests).....		18,630.00		12,000.00	6,630.00		12,000.00
Log loaders, wagons, sleighs, etc.:		12,506.74			12,506.74		
Gasoline log loaders (one 15 horsepower and one 25 horsepower).....							
Raymond loaders (1).....		4,644.25					
Arneau loaders (2).....		317.54					
Pile driver.....		254.55					
Wagons, sleighs, etc.....		1,007.33					
		8,652.80					
		14,776.47		10,232.22	4,544.25		10,232.22



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## EXHIBIT B.

Exhibit B is a rough tracing map.

## EXHIBIT C.

[Shawano County Advocate, Shawano, Wis., Tuesday, December 1, 1908.]

MILL AT NEOPIT TO START SOON—WORK PROGRESSING—CONCERNING PURCHASE OF LOGS IN YEARS PAST.

## UNITED STATES DEPARTMENT OF AGRICULTURE,

## FOREST SERVICE,

Neopit, Wis., December 1, 1908.

The EDITOR THE SHAWANO COUNTY ADVOCATE.

SIR: My attention has been called to an editorial in a recent issue of the Oshkosh Northwestern discussing under the caption "A costly experiment" the work which the Forest Service is doing on the Menominee Indian Reservation. For about a generation the timber of the reservation has helped feed the mills of Oshkosh and Oconto, and it is pardonable that, this log supply being now shut off, those lumber men who have prospered through buying reservation timber should look upon the present enterprise of sawing this timber in a reservation mill with a total lack of sympathy. Antagonism toward this work should not, however, lead them to make statements whose inaccuracy may easily be disclosed from the records. For example, it is quite untrue that the last sales were "in the neighborhood of \$22." The highest price ever received was in 1907, when a very choice lot of logs was sold to the Paine Lumber Company, of Oshkosh, for \$18.61. The previous year the logs brought \$16.54; in 1905 the Paine Lumber Company paid for them \$15.55; in 1904 Black Brothers, of Shawano, and the Holt Lumber Company bought them for \$12.85; in 1903 Seymour Hollister paid \$16.30 for them; in 1902 they were bought by T. R. Morgan at \$17.27; in 1901 by Hollister at \$13.25; in 1900 by Hollister at \$16.25; in 1899 by Hollister at \$15.08; in 1898 by Hollister at \$12.81; in 1897 by Jos. Black and Hollister at \$10.20; in 1895 by Oconto Lumber Company and Jos. Black at \$7.75 and \$11.55; in 1894 by Hollister at \$8.35; in 1892 by David Jennings at \$10.58; in 1891 by Hollister and the Oconto Company at \$9, \$10.50, and \$10.80. The Oconto logs have almost invariably gone to Oconto mills; the Wolf River logs have usually gone to Oshkosh mills. Conditions of transportation have limited the market to practically these two points, and other circumstances have contributed toward the limitation of bidding to certain wealthy lumber concerns of Oshkosh and Oconto. These circumstances explain the low prices received for Indian logs.

The unfavorable conditions under which these logging operations were conducted and sales made are quite well known. But the special feature of the situation which appeals to the Forest Service is the opportunity presented under the new act (Public, 74) of perpetuating under wise management what is probably the largest and finest body of virgin timber remaining in Wisconsin. The lumbermen of Oshkosh and Oconto have bought from the reservation, according to agency reports, approximately a half billion feet of timber, principally pine, paying for it from \$4.60 (1876) to \$18.61 (1907) in the log. Everywhere cutting has proceeded, the forest has been destroyed, and the land laid waste. A policy which substitutes forest perpetuation for forest destruction should commend itself to the mind unprejudiced by self-interest.

Predictions of the failure of this unique enterprise have anticipated every step in the orderly march of planning and accomplishment since the work was undertaken last April. Even the thankless task of stopping payment on contracts which had not been properly executed, and protecting the Indian tribe from its despoilers has not interfered with the construction work entered into. In eight months some 10 miles of stream have been permanently improved, 12 miles of excellent road built, 10 miles of railroad contracted for and now almost completed, a modern sawmill town and a modern and splendidly equipped sawmill constructed. The total cost of this work up to November 17, including all

indebtedness incurred, was a trifle less than \$276,000. The total cost when the mill begins to operate next month will have reached, I estimate, \$310,000. For an undertaking of this magnitude the cost has been, I believe, not excessive; for every considerable expenditure there can be shown commensurate work done. Is it fair, considering what has already been accomplished, to condemn this work before the plans have been tried out?

3779 The admirable purpose of the act of March 28, 1908, under which the Forest Service is conducting lumbering operations, requires that three main results be secured, namely: The enterprise must be a financial success; it must do something for the Indian; and it must reproduce the forest. Much has already been done for the Indian, and much more will certainly be done. In April, when the work began, 68 Indian names were on the pay roll; in September, 299. Steady employment the year round with opportunities for advancement is preferable to employment for three or four months in the winter without such opportunities. Predictions made by local lumbermen that little or nothing could be accomplished with Indian labor have not been borne out by the experience of the service, which has got excellent results from its Indians. Indians occupy a number of responsible and well-paying positions and will occupy more as the work develops. The perpetuation of the forest by skillful planting of the cuttings has been demonstrated too conclusively on the national forests of the West by the Forest Service to admit of doubts of its success on the Menominee Reservation. Whether or not a financial success can be made of this work is a matter concerning which those well disposed toward the undertaking have generously withheld for awhile their opinion. Is it too much to ask that the general public imitate such example?

Truly, yours,

E. A. BRANIFF,  
*Forest Officer in Charge.*

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EXHIBIT D.

DECEMBER 22, 1908.

THE COMMISSIONER OF INDIAN AFFAIRS.

DEAR SIR: Your letter (77140-1908—R. J. H.) of November 30 is received. I have delayed answering it until I could secure a full statement of the facts under discussion from Mr. Braniff. This statement has just been received, and after reading it I am convinced that nothing could have been more opportune than Mr. Dagenett's visit to the Menominee. That his visit and the resulting discussion has done much good is clearly apparent.

I believe that the bulk of expenditures on the Menominee Reservation has been justifiable and in accordance with what any business firm of ordinary prudence and large capital would have done under similar circumstances. This is also the view which Mr. Dagenett expressed in our informal conference. The Forest Service has considered the work on the Menominee as permanent, and the expenses for the mill, roads, stream improvement, and buildings have necessarily been somewhat higher than if the operations were to be confined to a short period. The work had to be done at once if serious financial loss to the Indians was to be avoided. In the haste to get the work done there was unquestionably lavishness in the purchase of a few articles of minor importance, such as the purchase by Mr. Braniff of a desk costing \$100. These I sincerely regret, and I know that Mr. Braniff also realizes his mistakes. That they have been called so promptly and so forcibly to his attention in this case is the best safeguard that they will not occur in the future. In the aggregate, these purchases constitute less than 1 per cent of the total amount expended under the recommendation of this service.

I am very glad to take up the specific matters reported by Mr. Dagenett and mentioned in your letter of November 30.

HOUSES FOR EXECUTIVE OFFICERS.

Four good houses have been built at Neopit for the executive force. One house is to be used by the forest officer in charge, one by the mill superintendent, one by the logging superintendent, and the fourth by the special disbursing officer. Each of these officers should have comfortable, warm quarters if men of the requisite knowledge and character are to be retained for the work. The

houses were built on plans secured, free of charge, from an Oshkosh architect, and their attractive appearance leads one to estimate the cost higher than it really was. Attached is a photograph (Exhibit A) printed on a post card showing the style of architecture and the general appearance of the building. The houses stand on concrete foundations and have concrete-lined cellars, as stated by Mr. Dagenett. The cost of using concrete was, however, actually less than would have been the case if stone had been used, and since a considerable quantity of concrete had to be purchased for the sawmill foundation a sufficient extra amount was purchased to be used in the foundations of the houses, the hotel, and the office building.

**3780** Every effort has been made to reduce the expense of these buildings and yet have them comfortable. Steam for heating will be supplied from the sawmill, the only expense in the houses being a modest one for pipes, radiators, and fittings. Light will be furnished from the electric-lighting plant installed to light the sawmill. Each house has good plumbing, with a bath tub and sinks of moderate cost. One felt mattress for each house was purchased, at a cost of \$13.50 per mattress. The total cost of each house, including all fittings and furnishings supplied, will not exceed \$2,250.

I can not but feel that this expense is not in excess of what a prudent business man would incur in preparing quarters for men who are to manage a permanent piece of work of the magnitude of the operations on the Menominee Reservation. The cost of any houses which may be built in the future will, of course, be smaller, since it will be possible to build them of lumber sawed in the mill at Neopit.

The attitude of the Indians toward the expenditures for these buildings is not surprising. The houses are better than any that have been provided for the Indians on the reservation, and, as I have already stated, their appearance would lead one to estimate the cost higher than it actually was. However, houses had to be built for the executive force, since no white man can secure title to a building lot, and consequently they could not build for themselves without jeopardizing their investment, and good men could not be retained without comfortable quarters. The Forest Service has already recommended to your office that lumber from the Neopit mill be supplied to the Indians at the actual cost of sawing from logs furnished by the purchaser, in order that they may build as good houses as possible for their own use at Neopit. An Indian can build his own house without danger of losing it.

Before leaving this subject it may be well to state that any houses occupied by others than the officers in charge will command a reasonable rental, and should prove a good investment for the Indians.

#### THE OFFICE BUILDING.

The office building, including furniture, has cost a total of \$4,151.08. Its excellent appearance can be judged from the attached photograph (Exhibit B). In arrangement and comfort it compares favorably with the office building at Keshena, which, I understand, cost about \$7,000. I can not feel that this cost for office quarters, as a whole, has been excessive, although, as I have previously stated, some of the individual items in the furnishings, such as Mr. Braniff's desk, might have been replaced by less expensive articles.

#### THE HOTEL.

I can not but feel that criticism of the expense incurred in building a hotel is unjustifiable. At an expense of \$6,974.31 for the building and \$4,179.20 for furnishings, accommodations have been provided for 165 men, who are charged \$4 a week for room and board. The hotel has no glass doors, no \$15 mattresses, and is finished in plain pine, as yet unpainted. The men have clean, comfortable quarters in a building heated and lighted from the sawmill equipment, and fitted with sanitary plumbing. The result will not only be to have contented workmen, both Indians and whites, for both are served at the hotel, but it will also be possible to secure a net return for the tribe of from \$200 to \$250 per month. If a mistake has been made it is in not providing accommodations for more men, for it will be impossible to accommodate everyone in the hotel and some employees must sleep in tents. The providing of comfortable quarters for the employees, including Indians, should also have an effect in training the Indians to appreciate the benefits of substantial, sanitary, and comfortable homes.

## STREAM AND ROAD IMPROVEMENT.

There is both hard-wood and soft-wood timber on the Menominee Reservation. The conifers, such as pine and hemlock, can be driven downstream, but the hard woods, such as basswood, maple, birch, and oak, can not be driven without considerable loss. A large amount of both hard-wood and soft-wood logs were cut before the Forest Service officials were placed in charge of the timber operations on the Menominee, and many of them were landed in the stream by Neopit, while others were yarded a mile or more from any drivable stream. The logs which will not float will be picked up and sent to Neopit on the cars at a cost for freight of about \$1.25 per thousand feet b. m. The logs which will float, can, however, be driven to Neopit much cheaper, and furthermore, there is an immense amount of drivable timber still standing in the woods tributary to the stream. The money spent on stream improvement will reduce freight bills greatly, and will, I am firmly convinced, prove an excellent investment, for the work done is permanent in character.

I am very much surprised that Mr. Dagenett found Indians who disapproved of the outlay for the building of a good road from Neopit to the west line of the reservation. This road is the chief and almost the only line of communication from the Wisconsin and Northern Railroad to the west line of the reservation. Over it has been hauled a large amount of supplies used in the various construction camps. It is also an exceedingly desirable improvement for the use of the Indians living on the reservation since the road before it was rebuilt was nearly impassable in many places at certain seasons. Between 11 and 12 miles of excellent road have been built, at a total cost of \$27,010.48, or from \$2,250 to \$2,450 per mile. I am informed by Mr. Braniff that the building of this road has met with almost universal approval, since it is of immense benefit to the Indians, irrespective of its use in the logging operations.

## INDIAN LOGGING TEAMS.

The intense desire of the Forest Service officials to conduct the operations on the Menominee as economically as possible is undoubtedly the foundation of Mr. Dagenett's comments on the failure of the forest officers to secure Indian teams. However, Mr. Braniff informs me that "every Indian logging team capable of doing heavy work that has been offered for rent has been rented, just the same as every Indian that has offered to work has been employed. Because there was great and urgent need of teams, which the Indians would not rent or did not have to rent, it was necessary to buy nine teams of horses. \* \* \* Because it is not possible to secure enough Indian teams for work which must be done, a few more teams must be purchased when the mill begins to saw lumber."

This matter is so closely involved with the general attitude of the forest officials toward the question of Indian labor that it can best be discussed in connection with that subject.

## ATTITUDE OF THE FOREST SERVICE OFFICIALS TOWARD INDIAN LABOR.

The Forest Service has been compelled to do a very large and very difficult piece of work this past summer in a short period and under conditions which required the greatest energy and resourcefulness of its men. The condition on the reservation when the Forest Service men took charge was such as to call for emergency measures unless a heavy financial loss was to fall on the tribe. The service men have kept the work going and have accomplished the heavy task put upon them. In their efforts to save the tribe as a whole from heavy financial loss they have had, and probably will have in the future, little time to consider the characters and needs of individual Indians, and in this feature their work has fallen short of complete success. It is also true that many of the Indians were prejudiced against the forest officers by the representations of the former Indian agent, who resigned, and of the former superintendent of logging, who was removed, and by certain Indian contractors who were profiting at the expense of the tribe under the former administration. In spite of these conditions, however, the number of Indians employed increased from 68 in April to 290 in September, and Indians already occupy the responsible positions of head time clerk, warehouse manager, warehouse clerk, hotel clerk, time clerk, and watchman.

The Forest Service is intrusted by the Department of the Interior with the handling of the timber operations on the Menominee. It is fully realized that the giving of wholesome employment to the Indian is the end rather than the



means in this work. The training of the members of the Forest Service on this work has not fitted them to understand the character and needs of the Indian as well as men who, in the work of the Indian Office, have made it a special study, and the responsibility for the financial success of the work is, I feel, all that should justly be put upon them. I wish, therefore, to cordially indorse the admirable suggestion of Mr. Dagenett that a representative of the Indian Office be placed with Mr. Braniff to handle the Indian labor problem. The present agent at Keshena, Mr. Allen, is unquestionably doing all within his power, but his numerous duties at a point several miles from Neopit render it impossible for him to take up each and every case. The presence of a representative of the Indian Office at Neopit would be welcomed by the Forest Service.

Very truly, yours,

GIFFORD PINCHOT, *Forester.*

**Memorandum of Commissioner of Indian Affairs regarding Menominee timber operations.**

3822

[Transmits memoranda re Menominee timber operations.]

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, April 29, 1910.

The honorable the SECRETARY OF THE INTERIOR.

SIR: I accepted the resignation of Mr. E. A. Braniff as manager of the timber operations on the Menominee Indian Reservation, which took effect on November 1, 1909, because I believed, on the basis of the facts before me at that time, that he was guilty of grossly unbusinesslike conduct. Since that date the reports of several investigations have been filed in this office charging the same thing.

I hand you herewith, at your request, a memorandum marked No. 3, 3823 which contains a statement of such of these charges as are, in my judgment, so well sustained by documentary evidence as to be conclusive. Accompanying this memorandum are three further and separate memoranda marked 1, 2, and 4. No. 1 contains a brief historical statement, with exhibits, setting forth chronologically the legislative and administrative acts relating to the logging of the timber blown down on the western part of the reservation from July 16, 1905, up to and including March 10, 1908, when Mr. Braniff arrived on the ground to take charge as the representative of the Forestry Service, under the cooperative agreement signed January 22, 1908.

Memorandum No. 2 contains an answer to each of the charges as to the management of this logging operation by the Indian Office prior to March 10, 1908, which charges are contained on pages 1201-1202 of No. 14 of the proceedings of the congressional committee to investigate the Interior Department and the Forestry Service, and are part of a letter read by Mr. Gifford Pinchot before that committee on February 22, 1910.

Memorandum No. 4 was prepared by Mr. J. R. Farr, general superintendent of logging of the Indian Service, in response to a request from me, copy of which is attached thereto. The charges contained in Mr. Farr's memorandum are largely matters of expert opinion based on a wide and long experience in the handling of timber operations and from actual observation of Mr. Braniff's management on the ground.

Very respectfully,

R. G. VALENTINE, *Commissioner.*

[Memorandum No. 1.]

*Condensed statement of conditions, legislation, and administrative acts affecting the blown-down timber district on the Menominee Reservation, Wis., prior to March 10, 1908.*

The act of June 12, 1890 (26 Stat. L., 146), empowered the Secretary of the Interior to authorize the agent to employ the Indians on the Menominee Reservation to cut not to exceed 20,000,000 feet of green timber yearly, the logs so cut to be scaled and sold, not manufactured. Attached hereto is a statement of the amounts and value of the timber cut and sold thereon to date under this act, marked "Exhibit A." These operations resulted in the accumulation in the treasury of the Menominee log fund, of which the balance on hand April 1, 1908, was \$2,807,866.90.

On July 16, 1905, a blizzard blew down approximately 40,000,000 feet of timber on 31 sections in the N.  $\frac{1}{4}$  T. 29, R. 13 E.; the N.  $\frac{1}{4}$  T. 29, R. 14 E., and the S.  $\frac{1}{4}$  T. 30, R. 13 E., in the western part of the reservation. This area contains mostly hard wood, estimated by J. R. Farr, general superintendent of logging, on December 11, 1906 (H. Doc., 490, 59th Cong., 2d sess., Misc. Ind. Doc., v. 65, pp. 984-988), to amount to 200,000,000 feet of merchantable timber, including the dead and down.

A map showing location of the "blown-down" district, streams, roads, and railroads existing thereon in the fall of 1905 is attached hereto, marked "Exhibit R."

The Indian Office and the department January 3, 1906, on the advice of J. R. Farr and E. M. Griffith (state forester for Wisconsin, and collaborator of the Forest Service), prepared and submitted a bill to Congress (H. Doc. 287, 59th Cong., 2d sess., Misc. Ind. Doc., v. 65, p. 992), the two principal features of which were (1) timber to be sold by the Secretary of the Interior, stumpage, and (2) the green merchantable timber on the "blown-down" district, to be sold with the dead and down.

Congress, however, substituted for this bill, known as the Brown bill, the act of June 28, 1906 (34 Stat. L. 547), authorizing the Secretary of the Interior to permit the Menominee Indian business committee to cause this dead and down timber to be cut into logs and hauled to suitable places for sawing, and, secondly, requiring the Secretary of the Interior to make contracts with a sufficient number of portable sawmill owners to come upon the reservation and saw into lumber the logs so cut, at a rate not to exceed \$3.50 per M. Nothing was done under this act during the summer or winter of 1906, for the reason that this office believed that the act was impracticable and that operations could not be conducted under it without a loss. (H. Doc. 490, cited above.)

In the meantime, upon the suggestions of the Forest Service (23052-04; Env. I-J; L. B. Land No. 330, p. 225), the Indian Office, on April 5, 1906 (L. B. Land. v. 424, p. 473), asked for the approval by the department of a plan of cooperation between the Forest Service and the Indian Office; and, in particular, that all contracts for logging in Wisconsin be submitted to State Forester Griffith and that Mr. Griffith be allowed to appoint two practical cruisers to serve under him and inspect the logging operations throughout the State on Indian reservations.

On April 7 the department approved this request (31296-1906; Env. I-J). 3824 On June 16, 1906, Superintendent Freeman, of the Green Bay Agency, was notified of the appointment of John W. Goodfellow as cruiser, on the recommendation of E. M. Griffith, June 4, 1906 (47960-06; Env. I-J).

During the winter of 1906 and the spring of 1907 an attempt was made by the Indian Office and the department to have the act of June 28, 1906, repealed, and to this end the so-called "Brown bill" was again introduced. (See H. Doc. 490, cited above.) This bill again passed the House, but failed to become a law.

In the meanwhile, in the fall of 1906, regulations had been prepared by the superintendent of logging, J. R. Farr, in conjunction with E. M. Griffith, for operations under the act of 1903, a copy of which is attached, marked "Exhibit C." These regulations were modified in the Indian Office, approved by the Interior Department on December 5, 1906 (case No. 202, 106290-1906; Env. I-J), and approved by the Department of Agriculture on March 28, 1907 (case No. 202, 31890-1907; Env. I-J).

The form of contract adopted was based upon the regulations approved by the Department of Agriculture. Copy herewith marked "Exhibit D." (Case 339, 71019, 1907; Env. I-J.) Upon this form, during the summer of 1907, contracts were drawn, executed, and approved for logging operations.

On failure by Congress to repeal the act of June 28, 1906, logging operations were begun at Menominee under these contracts in September, 1907, and continued into the following spring. In accordance with the regulations, Superintendent Goodfellow, June 18, 1907 (56509-07; Env. I-J), designated three points where timber should be delivered by contractors, which are shown on "Exhibit E," herewith, as mill sites Nos. 1, 2, and 3. The contractors delivered at No. 2 and No. 3, in accordance with the contracts and plan of operations, but they failed to deliver at No. 1 (Neopit), but dumped over 27,000,000 feet into and along the beds of the two branches of Wolf River, as shown on "Exhibit E;" on Little West Branch, 15,910,540 feet; and on Big West Branch, 11,737,360 feet. The scale of all the dead-and-down timber, a copy of which is attached hereto and marked "Exhibit F," shows that approximately 12,000,000 feet of this 27,000,000 was hard wood. Most of this dumping was done after the cooperative agreement was entered into, and fully half of it after Braniff took charge. Griffith visited the reservation during the logging season, and his assistants,

Howarth and Moody, spent considerable time in the midst of the logging operations, but no adverse reports from him on conditions there have been found in the files of the Indian Office.

On March 30, 1907, Superintendent Freeman, complying with a request from the Indian Office for the name of a capable man for superintendent of logging, as provided in the regulations under the act of 1906, submitted to the Indian Office the name of John W. Goodfellow, and in the same letter transmitted a recommendation from Griffith for Goodfellow's appointment. (31920-07; Env. I-J.) On April 18, 1907, he was appointed by the Secretary and remained in charge of the logging work until suspended by Braniff, on April 20, 1908.

On November 5, 1907 (42701-1908; Env. I-J), Superintendent J. R. Farr notified the Indian Office that contracts of logging were being violated in a great many particulars and that operations were not being carried on according to the regulations. On November 30, 1907 (92268-1907; Env. I-I), and on March 2 and 3, 1908 (copy with 78556-1908; Env. I-I), Mr. Farr again notified the Indian Office of violations of the contract and regulations in the logging operations.

Goodfellow proved to be unequal to the work and the results under him were very unsatisfactory. His attention was called to a number of the most important delinquencies and violations of contract by the logging contractors in a letter from the Indian Office November 11, 1907, and he was warned emphatically that they must cease. (88433-1907; Env. I-J.)

On November 13, 1907, the Secretary of the Interior, in compliance with the provisions of the act of 1906, called for bids from operators of portable sawmills to come on the reservation and manufacture the timber being logged, and on December 17, 1907, bids were opened. None were found for mill sites 2 and 3, and only one for mill site No. 1, which bid did not come within the provisions of the act.

The reasons given by contractors for not bidding were that it was uncertain at that date how much timber there would be; that there were no railroads, and it would not pay to haul mills into the woods, especially in view of the fact that the act of 1906 limited manufacturing operations to the blown-down district, and when that was finished the authority to manufacture was exhausted.

On January 22, 1908, a cooperative agreement between the Department of the Interior and the Department of Agriculture was executed, by which the Forest Service took over the supervision of timber operations in all Indian forests. On March 10, 1908, the Forest Service sent E. A. Braniff to Menominee to take actual charge of all the operations there.

3825 A map showing the locations of the mill sites as chosen by John W. Goodfellow and the location of the timber cut under his supervision, together with roads, streams, and railroads, on or about March 10, 1908, when Mr. Braniff took charge, is attached hereto, marked "Exhibit E."

#### EXHIBIT A.

#### *Statement of logs cut and hauled on the Menominee Indian Reservation under the act of June 12, 1890.*

Season.	Feet of logs.	Cost.	Cost per M.	Sold for.
1890-91.....	22,769,560	\$76,326.65	\$3.35	\$232,252.78
1891-92.....	20,000,000	78,780.38	3.93	211,600.00
1892-93.....	20,000,000	78,747.44	3.93	275,000.00
1893-94.....	13,330,000	71,122.50	5.33	111,305.50
1894-95.....	17,000,000	75,523.33	4.44	158,313.90
1895-96.....	17,000,000	78,498.08	4.59	165,859.27
1896-97.....	17,000,000	75,185.09	4.44	174,890.26
1897-98.....	16,000,000	75,684.84	4.73	201,688.05
1898-99.....	16,000,000	73,816.22	4.61	241,280.00
1899-1900.....	15,000,000	72,703.73	4.85	243,750.00
1900-1901.....	15,000,000	73,336.47	4.89	198,750.00
1901-2.....	15,000,000	75,045.80	5.00	259,050.00
1902-3.....	15,000,000	71,700.32	4.78	244,500.00
1903-4.....	20,000,000	95,236.60	4.76	256,961.00
1904-5.....	20,000,000	95,700.00	4.78	311,000.00
1905-6.....	17,500,000	95,097.77	5.48	289,500.00
1906-7.....	17,500,000	91,788.71	5.48	325,700.00
1907-8.....	7,500,000	32,375.00	5.25	(e)

\* Not sold.

## EXHIBIT B.

(Exhibit B is a map showing location of the "blown-down" district, etc.)

## EXHIBIT C.

RULES AND REGULATIONS FOR THE LOGGING, SAWING, HAULING, AND SALE OF THE DEAD AND DOWN TIMBER ON THE MENOMINEE INDIAN RESERVATION, WIS., AS PROVIDED FOR BY ACT OF CONGRESS, PUBLIC NO. 327.

[Proposed by Superintendent Farr.]

## LOGGING.

1. The superintendent of the Green Bay Agency, on behalf of the Menominee tribe of Indians in Wisconsin, may enter into an agreement or contract with any Indian or white man who may be responsible and properly qualified to carry out such an agreement to cut such a quantity of dead, down, lodged, and damaged timber on the north one-half of township 29, range 14 E., and in the south half of township 30, range 13 E., on the Menominee Indian Reservation in Wisconsin, as shall be mutually agreed upon, the logs to be landed at a portable sawmill or stream and in such a manner as the superintendent of logging for the Menominee Reservation shall direct.

2. By damaged timber is meant those trees which are still standing, but were so badly injured that they can not live.

3. The superintendent of the Green Bay Agency and the superintendent of logging for the Menominee Reservation will use their best endeavors to get the logging done at prices reasonable and fair to the contractors and Indians. Logging contracts will only be awarded to responsible persons. The person or persons who will contract to do the logging at the lowest rate per thousand feet will be given the contract, except in cases where the offer of an Indian and white man is the same, then the Indian will be given the preference.  
3826 The distance, roads, and other conditions bearing on the cost will be considered in determining the price for logging, but in no case must the contract price be over seven dollars (\$7) per thousand.

4. Each logging contract will describe the lands to be cut, the time when operations will commence and end, the approximate amount to be cut, and when and where the logs will be delivered, and each contractor shall be required to cut the timber covered by the contract to advantage and in a workmanlike manner and in the usual lengths, and utilize all merchantable timber in the tops down to 6 inches in diameter, and cut clean all timber covered by his contract as far as operations extend.

5. No trees containing merchantable timber shall be left lodged in the woods. Care shall be taken not to injure young growth while cutting or hauling the timber. No white or Norway pine, spruce, cedar, tamarack, hemlock, or basswood shall be used for bridges, corduroy, skids, slides, or for building camps or dams, unless the scarcity of less valuable timber makes its use absolutely necessary. All merchantable timber used for skids shall be cut into logs, hauled to the mill and scaled. Any timber covered by contract left in the woods or along the roads will be scaled by the superintendent of logging and charged to the contractor at a fair stumpage value, which shall not be less than six dollars (\$6) per thousand feet.

6. Contractors shall be obliged to pile all slash as the cutting proceeds on the area or areas assigned to them and under the supervision of the Forest Service of Washington, D. C. For piling the slash the contractors shall receive 50 cents for each thousand feet of logs scaled and credited to them. The Forest Service shall supervise the burning of such slash, and the cost thereof shall be paid out of the "Interest on the Menominee log fund."

7. The contractor will receive as part payment two dollars (\$2) a thousand to apply on supplies and wages at the time each fifty thousand feet has been delivered at the landing and scaled, and the balance when the contract has been finished, the slash piled, and the labor paid.

8. The superintendent of logging for the Menominee Reservation shall have charge, in the field, of the logging, sawing, hauling, and piling of the lumber, and shall appoint a sufficient number of competent men to scale the logs and

lumber as such service is required and dismiss them when their services are not necessary, and at any time if found incompetent or dishonest.

9. The superintendent of the Green Bay Agency at Keshena, Wis., which place will be headquarters, shall have charge of the funds and shall have full charge and custody and keep the records in his office of all contracts, accounts, receipts, and disbursements arising in connection with timber operations under this act, and also keep a complete record of the scale and re-foot and verify the same before settlement with the contractors and Indians. He shall also keep a record showing the names, the time of service and salaries paid scalers and other employees of the Government under this act.

10. Women shall not be eligible to enter into a logging contract under the act of June 28, 1906.

11. The violation of any of the above rules, if persisted in, shall be deemed a sufficient cause for annulling the contract.

#### SAWING.

12. The superintendent of the Green Bay Agency will make contracts with a sufficient number of portable mill owners to come upon the reservation and saw the logs into lumber, and the contracts will require that each mill manufacture all the logs into lumber in a workmanlike manner and in such lengths, widths, and thicknesses as may be required; and preference in awarding contracts will be given to such mill owners as will contract to manufacture the logs at the lowest cost per thousand; and each mill owner will furnish a satisfactory bond for the faithful performance of the contract and a full compliance with the rules and regulations. The compensation for such sawing will not be over three dollars and fifty cents (\$3.50) per thousand. One-half of the contract price for sawing the lumber will be paid monthly, and the balance in the spring at the time the work has been finished. All lumber destroyed or damaged in the sawing will be scaled up and the amount of the loss and damage will be deducted from the contract price to be paid the contractor.

13. The Secretary of the Interior shall appoint one assistant superintendent of logging who shall be an experienced lumber and sawmill man, who will assist the superintendent of logging and especially see that the logs are properly manufactured; that the sawing is performed in a workmanlike manner; that the lumber is cut properly and to advantage in such lengths, widths, and thicknesses as may be required, and that the same is properly scaled, graded, and piled.

(NOTE.—The assistant superintendent of logging should receive a salary of one hundred dollars (\$100) a month and his appointment should be made upon the joint recommendation of the superintendent of logging and the superintendent of the Green Bay Agency. It is absolutely necessary to have a man of experience.)

14. The mill owner shall pile all lumber in the usual manner and at a reasonable and safe distance from the mill. He shall use all due diligence and care in operating the mill, and in case the lumber is destroyed by fire due to the malice, neglect, or willfulness of said owner, he shall be liable for all damages and the forfeiture of his bond.

#### HAULING.

15. The superintendent of the Green Bay Agency shall advertise, calling for bids for hauling the lumber to the various shipping points and piling the same as directed by the superintendent of logging or his assistant. The contract or contracts will be awarded to the lowest and best bid or bids, and will include the making of the roads for hauling the lumber and the clearing of the landings for piling it.

#### SALE OF LUMBER.

16. The superintendent of the Green Bay Agency will, at as early a date each year as he can determine the amount of lumber that will be delivered at the railroads, draft a form of advertisement calling for bids for the purchase of said lumber and describing the amount of each kind and quality and other information necessary to enable purchasers to bid intelligently, reserving the right to reject any and all bids and submit said draft to the Commissioner of Indian Affairs for the approval of the Secretary of the Interior.

(NOTE.—All funds required to carry out the timber operations as required by the foregoing rules should be disbursed by the superintendent of the Green Bay Agency and said funds to be available as required.)

# EXHIBIT D.

## LOGGING AGREEMENT, MENOMINEE RESERVATION.

(Under provisions of act of June 28, 1906, 34 Stat, 547.)

Number ———.

This agreement, made this ——— day of ———, 190—, between ———, chairman of the Menominee business committee, party of the first part, and ———, party of the second part,

Witnesseth: That for and in consideration of the sum of ——— dollars (\$——) per thousand feet, to be paid as herein provided, amounting to the sum of ——— dollars (\$——), said party of the second part hereby agrees to cut and deliver to the places designated and in the quantities designated by the superintendent of logging ——— feet of dead and down logs, said logs to be cut from the dead and down timber on certain lands within the Menominee Reservation known as the "blown down" district.

The party of the second part hereby agrees to cut and deliver, subject to the rules of the Interior Department, and subject to the directions of the superintendent of logging, all dead and down timber that will make a merchantable log from the ground cut over by him, clearing the area or areas assigned him of all dead and down timber, the logs to be cut in such regulation lengths as the superintendent or assistant superintendent shall designate; that he will use every reasonable precaution to prevent injury or damage to the live timber in the area logged by him, especially the young timber; that no white or Norway pine, spruce, cedar, tamarack, hemlock, or basswood shall be used for bridges, corduroy, skids, or for building camps, roads, or dams, unless absolutely necessary and when specifically permitted by the superintendent or assistant superintendent of logging; that at the conclusion of this contract all "dead and down" merchantable logs left in the woods by the said second party shall be scaled and their contents deducted from the total amount delivered; that no timber other than dead and down timber, as defined by the rules of the Interior Department, shall be cut under this contract, and that a violation of this latter provision shall be regarded as sufficient cause for the annulment of this contract by the superintendent of logging; that when the butts are sound, all logs shall be so cut as to leave stumps not higher than eighteen inches from the surface of the ground; that during dry seasons he will use every usual  
3S28 precaution to prevent forest fires and fires among the tops and slashings in the areas assigned him.

The party of the second part agrees to clear all landings, rollways, and skidways of trees, stumps, stones, and brush and to land the logs at the places designated so that they will be of easy access to scalers and others having rightful access thereto. And it is further agreed that if the said second party, through neglect or unforeseen delay, fails to cut and bank sufficient logs to fulfill his agreement as herein provided, or refuses to comply with the conditions herein stipulated, then the superintendent of logging may make such arrangements as he may deem necessary to cut and deliver sufficient logs to make up the deficiency.

It is further agreed by the party of the second part that if he shall cut, or cause to be cut, or deliver a greater quantity of logs than that called for in this agreement, he shall forfeit the surplus.

It is further agreed by the party of the second part that if he shall cut or deliver logs contrary to this agreement, or bring or cause to be brought, or allows any one to bring to his logging camp, or in the woods where he is operating, any intoxicating liquors, or permits the introduction of any such liquors among his employees, all his rights under this agreement shall be forfeited, and the party of the first part may employ others to complete this agreement.

It is further agreed by the party of the second part to commence work under this agreement on ———, 190—; that he will deliver at the mill or stream where designated by the superintendent or assistant superintendent of logging the number of thousand feet of logs specified in this contract prior to ———, 190—.

It is further agreed by the party of the second part that no dead and down trees will be left lodged in the area assigned him; that all merchantable timber used for skids or any other purpose will be cut into logs and hauled to the mill or stream designated by the superintendent; and that he will pile all slash, as the cutting proceeds, as directed by the state forester on the area or areas assigned him, for which he will receive 35 cents additional compensation for each thousand feet of logs scaled and credited to him.

The party of the second part also further agrees that he will not sublet this contract, or any part thereof, without the approval of the superintendent of logging and the Secretary of the Interior, and in case of assignment or subletting he hereby agrees that it shall be at the same rate per thousand feet as that above stipulated in his behalf.

It is hereby agreed by the chairman of the Menominee business committee on the part of said committee that the party of the second part shall be paid at the rate of \$2.50 per thousand feet under this contract for all logs on skids every thirty days, as shown by the scale books, the remainder to be paid in full when all the logs under this contract are delivered at the mill or stream designated by the superintendent, and after he shall have paid the labor employed by him and the bills contracted, the accounts for labor and supplies to be subject to revision by the superintendent of logging. And the said second party further agrees to pay to the Indians whom he employs in the cutting and banking of the logs the usual rate of wages paid in logging camps in the vicinity of the reservation.

It is hereby agreed that when the party of the second part shall have cut and delivered all the logs mentioned in this agreement, and the same have been scaled and reported to the superintendent of logging, and accepted by him as a complete fulfillment of this contract, that he shall be paid as early as practicable after such acceptance the full amount due him under this agreement, less the amount advanced him each thirty days for logs on skidways as above provided; subject, however, to the conditions herein contained relative to the party of the second part paying his laborers and settling bills for supplies.

It is understood and agreed by the party of the second part that this contract shall have force and effect only when approved by the superintendent of logging and the Secretary of the Interior.

\_\_\_\_\_,  
Chairman Menominee Business Committee.

Witness to mark:  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_,  
Contractor.

3829 I, \_\_\_\_\_, interpreter, hereby certify that I have this \_\_\_\_\_ day of \_\_\_\_\_, 190—, fully explained the provisions of the above agreement to \_\_\_\_\_, party of the second part, and am satisfied he fully understands the same.

\_\_\_\_\_,  
Interpreter.

Distance to haul: \_\_\_\_\_

Class of timber: \_\_\_\_\_

Estimated number of logs per M feet: \_\_\_\_\_

Condition of roads: \_\_\_\_\_

Remarks: \_\_\_\_\_

\_\_\_\_\_,  
Superintendent of Logging.

#### EXHIBIT E.

Exhibit E is a map showing location of mill sites, etc.

## EXHIBIT F.

Banking logs, 40,539,480 feet; \$272,468.00 cost.

For mill site No. 1.

[In Little West Branch Wolf River.]

	Feet.	Floatable.
Hemlock .....	5, 843, 245	5, 843, 245
Bass .....	4, 640, 545	
Maple and birch .....	2, 000, 985	
Pine .....	1, 578, 825	1, 578, 825
Elm .....	1, 451, 790	
Cedar .....	253, 435	253, 435
Oak .....	71, 945	
Tamarack .....	69,770	69, 770
	<hr/> 15, 910, 540	<hr/> 7, 745, 275

[Big West Branch Wolf River.]

Hemlock .....	5, 678, 845	5, 678, 845
Bass .....	2, 845, 955	
Pine .....	1, 527, 265	1, 527, 265
Elm .....	1, 036, 480	
Maple and birch .....	533, 705	
Cedar .....	84, 515	84, 515
Tamarack .....	25, 050	25, 050
Onk .....	5, 545	
Big Stream .....	11, 737, 360	7, 315, 675
Little Stream .....	15, 910, 540	7, 745, 275
Total .....	<hr/> 27, 647, 900	<hr/> 15, 060, 950

Logs were still being driven on Little and Big branches in August, 1909.

## Mill site 2.

	Feet.		
Pine .....	260, 660	7, 075, 040 ft. banked.	
Hemlock .....	3, 521, 710	6, 535, 000 ft. hauled out	
Bass .....	1, 556, 200	540, 040 ft. lost.	
Maple and birch .....	648, 890	Loading.	
Elm .....	1, 044, 720	6,535,000, \$0.99 .....	\$6, 469. 65
Tamarack .....	23, 900	Freight, \$1 .....	6, 535. 00
Cedar .....	24, 030		13, 004. 65
	<hr/> 7, 075, 040	540,040 ft., at \$11 per M....	5, 940. 44
			<hr/> 18, 945. 09

## 3830 Mill site 3.

Pine .....	375, 790	5, 816,540 ft. banked.	
Hemlock .....	1, 173, 110	4,295,000 ft. hauled out.	
Bass .....	2, 028, 910	1,521,540 ft. lost.	
Maple and birch .....	1, 288, 070	Loading.	
Elm .....	887, 640	4,295,000 ft., at \$1.81 per M..	\$7, 773. 95
Tamarack .....	9, 580	Freight .....	4, 295. 00
Cedar .....	53, 440		
Mill 3 .....	5, 816, 540	1,521,540, \$11 .....	12, 068. 95
Mill 2 .....	7, 075, 040		16, 736. 94
	<hr/> 12, 891, 580		<hr/> 28, 805. 89

540, 040  
1, 521, 540  

---

2, 061, 580

Hauling of the logs to Neopit not finished until August, 1909.



*Answers to all the charges as to the management by the Indian Office of timber operations on the Menominee Indian Reservation, made by Mr. Gifford Pinchot in a letter read before the Senate Committee to Investigate the Interior Department and the Forest Service, February 22, 1910. (Pp. 1201 and 1202 of No. 14 of hearings.)*

[Mr. Pinchot's statements in quotation marks.]

#### PREFACE.

The answers herein show—

I. That charges numbered 1, 2, 4, 6, 8, 11, 12, 13, 15, and 16 are either untrue or so misleading as to create a false impression.

II. That charges 3, 5, 7, 9, and 10 are true.

III. That the responsibility for the conditions set out in charges 3, 5, 7, 9, and 10, although resting finally upon the Interior Department as principal, rest primarily upon the Forest Service as agent or employee by virtue of a cooperative arrangement existing during the whole period within which the acts complained of took place. Under this arrangement (informal in character during the first half of that period and formal during the last half) the Forest Service undertook the supervision of logging on Indian reservations in Wisconsin and agreed to the detail of its collaborator, E. M. Griffith, to handle the situation as representative of the Forest Service on the ground. That Griffith took hold and his assistant Goodfellow, on Griffith's recommendation, acted as local superintendent at Menominee during the whole period.

"1. When the service took charge of lumbering on the Menominee Indian Reservation, it found between 30,000,000 and 40,000,000 feet of logs cut with practically no provision for their transport or manufacture."

*As to amount of logs cut.*—The general superintendent of logging, J. R. Farr, states, from personal observation and correspondence with Local Superintendent Goodfellow, that not more than 30,000,000 feet was cut and delivered on March 10, 1908, when Forest Assistant Edward A. Braniff took charge.

*As to provision for transportation.*—That the main west branch of Wolf River, on and along which nearly 12,000,000 feet of the timber was eventually landed for delivery at mill site No. 1, had been for many years a drivable stream and with very little improvement could have been driven soon after Braniff arrived; that the little west branch was drivable without improvement 1 mile above mill site No. 1 and with improvement at a cost of some \$10,000 the logs eventually landed thereon, amounting to over 15,000,000 feet, could have been driven that spring; that the logs landed at sites 2 and 3, amounting eventually to 7,000,000 feet and 6,000,000 feet, respectively, were not located on any drivable stream or railroad connecting with mill site 1 (where Braniff located the one and only mill), for the good and sufficient reason that the act of June 26, 1906, under which they were logged, contemplated, and the regulations thereunder required, that the local superintendent of logging should designate several mill sites in the woods adjacent to the timber, which was therefore delivered at those sites to be manufactured on the ground under contracts with portable-mill owners.

3831 *As to provision for manufacture.*—That none of the mills had been built or started for the reason that no mill owners had been found willing to make such contracts under the terms of that act, and that a bill was even then pending in Congress, which was enacted into law sixteen days later, empowering the Secretary of the Interior to build the mills himself.

"2. Much of the soft-wood timber which would float well, and therefore should be transported to mill by water, had been banked far from any stream."

This refers to timber banked at mill sites 2 and 3, to be manufactured there, so there was no point in having this timber on any stream. This was in strict accordance with the law and regulations.

"3. Much of the hard-wood timber, too heavy to float well and which should be transported by rail, was found either mixed indiscriminately with the soft-wood timber or in the bed of an unimproved stream, or in railways so built as to be exceedingly costly and dangerous to break."

Farr states that some 12,000,000 feet of hard wood was dumped in or banked along the two branches of Wolf River instead of being delivered at mill site No. 1, located about a mile below their confluence. The contracts called for delivery of all this timber at mill site No. 1, but the contractors evidently relied upon the inefficiency of Local Superintendent Goodfellow, upon whom the

contracts and regulations devolved the duty of designating the points of delivery of the logs and of seeing to it that the logs were delivered at the points designated and in a proper manner, and contented themselves with delivery in and along the streams in the manner charged.

"4. As the result, loss of about one-third in the value of the timber before it could be gotten to mill was made unavoidable."

Farr states that, if the necessary stream improvements had been made by Braniff immediately on arriving, not more than one-third of the \$50,000 actually spent on stream improvement would have been necessary, as the time to drive streams is in the spring when the freshets come down; and, further, that more water would have been obtained then than was obtained later, even after the expensive dams were constructed in the summer; that more of these logs would have reached site 1; and that the depreciation thus avoided, together with the logs saved, would have obviated a large part of the loss referred to.

"5. The logging had been wasteful of timber and destructive to the forest."

The logging had been wasteful of timber in that the contractors had left much timber in the woods in the shape of long tops and butts and dead and down timber that was not easy to handle. See Farr's report, November 5, 1907 (42701-1908; Env. I-J). This would all have been prevented had Superintendent Goodfellow been active and efficient.

"6. The Indian agent had brought serious loss upon the Indians by selling timber for much less than its actual value and by letting contracts for logging at excessively high rates. He has since been removed."

*As to selling timber.*—A search of the records of the Indian Office discloses that after the bids for the timber cut and to be cut under the act of 1890 during the winter season 1906 and 1907 had been received it was discovered that Superintendent (Agent) Freeman had permitted certain Indians to cut 475,000 feet of logs and 600 cords of pulp-wood timber from their selections without notice to or authority from the Indian Office and to sell the same at from \$12 to \$13 per thousand feet. The office, on the recommendation of General Superintendent of Logging J. R. Farr, required the purchasers to increase the price for these logs to \$15 and \$15.63 per thousand, a fair price under the conditions as they were where Farr took hold, but some \$3 per thousand less than could have been secured had this timber been sold with the other timber. See Farr's reports April 30, May 2, June 11, and September 6, 1907. (Case 339-74820-07; Env. I-I.)

*As to excessive rates in logging contracts.*—The agent can not be held responsible for the prices in the contracts for logging the dead and down timber under the act of 1890. In the first place, the prices, which averaged \$6.84 per thousand, were 16 cents less than the maximum fixed in the regulations approved by the Interior Department December 5, 1906, and by the Forest Service March 25, 1907 (31890-07; Env. I-J), and \$1.16 less than the maximum recommended by E. A. Griffith in a letter to the Forest Service October 2, 1906 (106290-06; Env. I-J), suggesting amendments to the regulations proposed by the Menominee business committee. Secondly, the act of 1906 and these same regulations gave the whole power of making contracts to the said business committee and to the local superintendent of logging (Goodfellow), subject only to the approval of the Secretary of the Interior. The agent, it is true, transmitted them to the department, but, as the discretion and responsibility were vested in Superintendent Goodfellow, the agent should not be held accountable for the price in the contracts, other than to see that it was not in

3832 excess of the maximum fixed by the regulations. General Superintendent of Logging Farr states that Goodfellow's allowing the business committee

to let contracts to themselves is the main reason that a lower contract price was not secured. If reference be made to the prices in the contracts for logging green timber under the act of 1890, comparison is invited to the amounts thereof, as shown in Exhibit A, attached to Memorandum I, with the amount that Braniff admitted that it cost him to log, skid, and land about 1,000,000 feet, "as an indication of what can be done, what it will cost to log green timber," namely, \$6.43 per thousand. (Senate hearings relating to Wisconsin Indians, pp. 906-7.) In fact, the books of the office show that this job cost him \$7.88 per thousand. (Ashford's cost statement as to camp No. 7.)

"7. The superintendent of logging on the same reservation had permitted violations of almost every important provision of the logging contracts."

It is true that the contractors violated their contracts in the delivery of the logs, in cutting green timber contrary to law, and in leaving good timber in the woods which they found expensive to log. It is also true that an active and capable superintendent could have prevented much of this.

"8. These contracts were so drawn that they necessarily involved great loss to the Indians."

If Goodfellow had been capable and active, the form of contract would have been sufficient in the only particular in which it was not ironbound, viz, the points where the timber was to be delivered. But Braniff estimated the damage due to violation of contracts as about \$28,000, and this was withheld from the contractors, though they have not agreed to this basis of settlement. The current Indian act (Public, No. 114) permits them to sue for the balance in the Court of Claims.

Attention is called to the fact that the contracts referred to were in all important points based on the regulations which the Forest Service had described as "meeting the requirements and well adapted to conditions on the Menominee Reservation." Letter of March 28, 1907. (Case 202; 81890-1907; Env. I-J, and Exhibit D to Memorandum I.)

"9. The superintendent of logging had officially approved work done by contractors which was in flagrant violation of the contracts themselves, and has allowed full scale for unsound logs. He has since been removed."

This statement is not overdrawn.

"10. As the result of failure by those to whom the interests of the Indians were intrusted to get the full value of their timber, the task of the Forest Service in adjusting the contractors' claims was one of the most difficult undertaken upon the Menominee."

This statement is true, but the records of this office disclose that there was an arrangement between the Indian Office and the Forest Service during this entire period whereby the Forest Service must share a certain measure of the responsibility for conditions on the Menominee. The Secretary of Agriculture, on February 17, 1904 (18113-1904; Env. I-J), suggested a plan of cooperation between the Forest Service and the Indian Office whereby E. M. Griffith, state supervisor of forests for Wisconsin (spoken of by the Secretary of Agriculture as collaborator of the Bureau of Forestry, and by Mr. Pinchot in letter of April 30, 1904, 30348-04, Env. I-J, as "E. M. Griffith of this bureau"), should advise the Indian Office as to methods of future timber cuttings on Indian reservations in Wisconsin.

On April 7, 1906 (23053-06, 21286-06, 30348-06; Env. I-J), the Interior Department approved a plan whereby the cooperation of the Forest Service was to be obtained in the regulation of logging upon all Indian reservations and such cooperation be applied immediately to the management of all Indian reservations in Wisconsin. This cooperation was obtained. (See letter April 18 to Forester and his reply, April 28, 1906, L. B. Land vol. 428, p. 78, and 38206-1906.)

Mr. Griffith had thereupon assumed charge of approving all logging contracts on Indian reservations in that State and was allowed to appoint two cruisers to act under him, so as to enable him to more thoroughly supervise the operations themselves. In June, 1906, he selected and had appointed and paid by the Indian Office John W. Goodfellow as one of these cruisers (47960-1906; Env. I-J). Goodfellow continued under Griffith as cruiser on Indian reservations, and devoted several months to work on the Menominee Reservation until April 18, 1907, when the Indian Office requested Superintendent Freeman, of Green Bay, to recommend a thoroughly competent timber cruiser for superintendent of logging. Freeman replied on March 30 (31920-1907; Env. I-J), suggesting the name of John W. Goodfellow and inclosing a letter from Griffith in which he states that, "although for many reasons he will be sorry to lose the services of Mr. Goodfellow, he believes him an excellent man to supervise this work." Largely on the strength of Griffith's recommendation Goodfellow was appointed and acted throughout all these logging operations.

8833 The logging operation was therefore not only at all times under the general supervision of the Forest Service, but its collaborator and representative—Griffith—was specifically charged with supervision of logging on this among other Wisconsin Indian reservations, and to make the chain complete one of Mr. Griffith's own men whom after a year's trial he could recommend as strongly as he did was placed on the ground in direct charge, and who according to the arrangement was required to report to and advise with Mr. Griffith during the conduct of the logging operations.

Furthermore, Mr. Griffith not only visited the ground, but had another one of his assistants, James A. Howarth, spend several weeks on the operation, so as to keep him fully in touch with all phases of it. Griffith also had the benefit of reports of conditions made to him from time to time by J. R. Farr, the Indian Office's general superintendent of logging, protesting violently against the con-

tinuance of the very conditions mentioned in the letter of Mr. Pinchot. Having placed such entire reliance on the Forest Service and such authority in the hands of its representative on the ground, the Indian Office was somewhat naturally lulled into a feeling of security, and it was hard in the absence of unfavorable reports from Griffith or the Forest Service to believe that conditions were bad.

On January 22, 1908, in the midst of the logging season, the cooperative agreement was signed, whereupon the general supervision which the Forest Service had been exercising informally since 1906, assumed a more definite and tangible shape. By this agreement the Forest Service took over specifically "the supervision of logging on Indian reservations" (p. 1200) and still further relieved the Indian Office from the care and responsibility therefor. Griffith had been shown by Farr a copy of his adverse report of November 5, 1907, to the Indian Office, and urged to go over the ground with him (see copy Farr's letter to Griffith December 4, attached hereto), but he had not deemed the conditions bad enough for any comment by him, as the records of this office do not disclose a line from Griffith reporting adversely on these logging operations, although as was stated by Mr. Farr in his November 5 report, and his letter of December 4, there had been then repeated violations of the regulations and contracts. The office on November 11 sharply notified Goodfellow that he must stop these violations immediately. (88433-07; Env. I-J.)

Farr's reports of March 2, 3, and 7 were referred to the Forest Service for action March 10, 1908 (15912-1908; Env. I-J), and E. A. Braniff, Assistant Forester, was sent by them to the ground to take entire charge on March 10. For any violation of contracts thereafter in the logging of the 10,000,000 feet, or one-fourth of the operations, the Forest Service were directly responsible, as Mr. Braniff knew just what abuses to look for and where to look for them.

On April 20, 1908 (42701-08; Env. I-J), Braniff recommended the discharge of Goodfellow.

"The Forest Service found that the streams needed to drive logs cut on the Menominee Reservation were either entirely unimproved or so poorly improved as to be useless for driving purposes."

Note page 1 hereof, and the fact that Braniff himself stated that the sum of \$7,000, which had been allowed for the purpose, would be enough to put the streams in order. (Letter to the Forester, April 5, 1908; copy in Env. I-J.)

"12. The logging operations on the Menominee Reservation required the immediate building of a good tote road from Neopit to the west line of the reservation, a distance of about 12 miles."

A tote road was not immediately necessary for logging operations (1) because the logging operations were completed for the year about the time the road was begun and long before it was completed, and (2) because no logging operations were contemplated to be undertaken along this road, nor in fact undertaken, for some time to come, and existing roads were sufficient, as shown by fact that all supplies necessary for the previous winter's logging of some 47,000,000 feet had been hauled in over existing roads. No road should have been built for the reason that, at the time or shortly after the road was begun, Braniff had decided upon branch railroads covering the same ground. (Letter to Forester, April 5, 1908; copy in Env. I-J.)

"13. This road is now used for transporting supplies to the camps."

The great bulk of the supplies when this letter was sent, on July 23, 1909, could have been hauled in by the railroad spurs, which were built contemporaneously and nearly parallel with this road. They were being hauled in by railroad in November, 1909 (91339-1909).

"14. Previously no road existed, except a mere trail through the woods, used mainly by the Indians going to and from the agency."

The existing roads had been found adequate for twenty years' logging operations, and much of the necessary supplies for logging the 40,000,000 feet of blown-down timber had been transported over them.

3834 "15. The number of Indians employed on the Menominee increased from 68 in May, 1908, to 317 in May, 1909."

Braniff's own statement shows that in May, 1908, there were 77 instead of 68 Indians employed, and it further appears that of the 317 Indians employed in May, 1909, 28 per cent were not Menominees. (Senate hearings on Wisconsin Indians, pp. 911 and 916.) Furthermore, in May, 1908, the logging work was about over and the force was much reduced, there being no mills to employ them. But in the preceding March there were 114 Indians regularly employed, and many more irregularly employed (see telegram from Wilson, April 7, 1910, 28521-1910). It is stated by Farr that fully 50 per cent of the labor employed

prior to March, 1908, in logging work was Indian, while not more than 25 per cent of that employed by Braniff was Indian.

"16. The disposal of the Indians' lumber sawed in the Menominee mill has been greatly hampered by failure to approve promptly the necessary business regulations governing sales. Long before any large quantity of lumber had accumulated at the mill a draft of regulations was submitted to the Department of the Interior to govern all sales of lumber.

"These regulations were returned so modified as to render profitable sales impossible, as a trial sale fully demonstrated. After further representations, regulations reasonably favorable were finally approved, but approval was delayed for nearly two months."

Braniff states that the original sale regulations were prepared by him and were approved by the Indian Office and Forest Service substantially as prepared, except that both offices agreed that the disbursing officer should make the sales instead of Braniff, as the latter had suggested. Under these regulations a sale was made in May, 1909, and the regulations were found impractical; not because of the provision that the disbursing officer should make the sale, but because of the provision drawn by Braniff that a 5 per cent payment should accompany the bid. (Senate hearings on Wisconsin Indians, pp. 935 and 936.) These regulations were submitted by the Forest Service to the Indian Office, February 15, 1909, and approved March 5, 1909.

On May 14 Braniff wrote the Forest Service suggesting new regulations, which letter was transmitted to the Indian Office May 21, and on June 4 that office submitted a new set of regulations to the department, where they were approved July 8, and Braniff notified July 17, 1908 (Case 339-13636, 1908; Env. 1-S).

DEPARTMENT OF THE INTERIOR,  
UNITED STATES INDIAN SERVICE,  
LA POINTE INDIAN AGENCY, WISCONSIN,  
Ashland, December 4, 1907.

EL. M. GRIFFITH, *State Forester, Madison, Wis.*

SIR: In reply to your letter of November 22 relative to burning the slash on the Menominee Reservation, I desire to say that I do not consider it possible to burn this slash without destroying and damaging a large amount of the timber. However, some parts can be burned, and if the effort is made under your direct supervision, I feel certain the green timber will be fully protected, for you will not undertake to burn the slash where in order to do so it would endanger the standing timber.

I note that you say Mr. Goodfellow is being seriously handicapped in the very difficult work of logging windfall timber by men in Shawano, and others who hope to get the chance of logging it themselves, and that you have had a talk with Senator La Follette on the subject.

In answer to this I desire to say that it is not clear to me in just what way men at Shawano or elsewhere—if not officials—can handicap or interfere with Mr. Goodfellow. I will be pleased to get more definite information on this subject, so that I can take any action that is necessary to fully protect Mr. Goodfellow in the proper performance of his duties as superintendent of logging.

Mr. Goodfellow, as superintendent of logging, had charge of letting the contracts, and no person could secure one without his approval. The contracts have been let, and therefore I do not understand how the action of certain persons at Shawano or elsewhere, if not officials, can in any manner interfere with his work.

The rules and regulations provide that contracts may be entered into with any Menominee Indian or white man who may be properly qualified and equipped to carry out such agreement, and that every contractor must guarantee to deliver at the mill or streams the amount of logs specified in the contract, etc. Under these regulations contracts can only be entered into with qualified and responsible persons. Even without these requirements it would be improper and unfair to act otherwise. If the rules and regulations had been followed in letting the contracts, only responsible persons would be connected with the logging, and under these conditions it would not make any difference how

3835 outside persons set about the matter. The contracts were not entered into in accordance with the rules and regulations, and many Indians who are not qualified or responsible, and do not even pretend to be, and no such claim will be advanced, and do not furnish any money, supplies, or equipment, or take any part in the management, or even stay or work at the camps, have been given contracts or partnerships in them.

In order for a responsible white man to secure a contract he has been required to take from one to three of these Indians as partners on this plan, which is contrary to the law and the rules, and it will cost the Menominee tribe of Indians from 75 cents to \$1 per thousand. No responsible white man would think of taking a contract to bank about one million feet without feeling almost certain that he would make a profit of at least \$1 per thousand, and usually they expect to make considerably more. If this contractor is forced to take an Indian partner or partners who do not assist in any way and only take part to the extent of taking one-half of the profit, the contractor must have the contract price increased enough above what it should be to pay his Indian partners for doing nothing, and this sum must come out of the tribe. This requirement has another bad effect, which is that it can not fail to result in getting the logging contracts into the hands of persons who are not very responsible, for the reason that there are very few persons who are properly qualified and equipped and financially responsible who would consider taking a contract when forced to take from one to two Indians as partners and divide profits with them when they do not furnish any of the supplies or equipments or take any part whatever. There is considerable to be said on this subject, but this, perhaps, will be enough for the present time.

As stated in my former letter, I made a very careful examination of the operations when there and in two of the camps found that not less than one-third of the timber cut was strictly green timber and cut in direct violations of the contract, and at these camps, as well as several others, some strictly dead and down timber had been left which should have been cut first, and a large amount of merchantable timber was left in the tops and other parts of the trees. I went over the subject quite fully with Mr. Goodfellow and have written him twice subsequent to that time. I feel reasonably certain that he will be able to handle the situation, and I will assist him in every way possible.

It is my opinion that there are certain features connected with the letting of the logging contracts and other matters touching this operation with which you are not entirely familiar and that are worthy of serious consideration before arriving at a final conclusion, and I will be pleased to take this matter up with you, and will be at Milwaukee at the Kirby House next Saturday, the 7th instant, and trust you can arrange to meet me there. If not, notify me by letter, as I expect to start for Washington not later than the following Monday.

I am, yours, truly,

J. R. FARR,

General Superintendent of Logging.

[Memorandum No. 3.]

*Menominee Indian Mills, Neopit, Wis.*

I. Relative to ability of the former management to manage the operation economically and practically.

1. *Camp 6 logs.*—These logs, 149,270 feet, were cut on the Little West Branch about 6 miles above Neopit. They are what are known as "flowage logs," or logs cut out of stream improvements. With the exception of about 15,000 feet (N-1), they were cut close to the streams, and practically no skidding or banking will be required to pick them up in the drive. The 15,000 feet are close to the streams, but will require some expense for skidding in order to bank them so that they can be picked up in the drive. Practically nothing has been done with these logs but to fell, saw, and swamp the tree (N-2).

The cost of these logs on January 31, 1910, as shown by the books of the Menominee Indian Mills, was as follows (N-3):

<i>Camp 6 logs.</i>	
Labor	\$393.41
Board of men	152.54
Board of teams	82.28
Depreciation on tools and equipment	43.06
3836 Burning brush	243.04
General logging expense	1.47
General expense	3.04

919.74

(1) Amount estimated by Woods Superintendent Riley.

(2) Evidence of Farr and King.

(3) This statement of cost taken off by King and will be certified to by him as to correctness.

149,270 feet logs cut cost to January 31, 1910, \$6.18 per M.

NOTE.—In addition to the above cost there will also be an expense for landing about 15,000 feet.

(4) Expert evidence, Farr.

(5) Operations 1 to 4

are based only on Camp 7

logs. Operations 5 to 11

are based on average of all

logs handled.

(6) Costs as stated by

Braniff before Senate Com-

mittee on Indian Affairs,

under oath, at Neopit, Wis.

September 30, 1909 (p. 906).

(7) Cost as stated by H. C.

D. Ashford, cost keeper,

Menominee Indian mills.

(8) Cost of Camp 7 opera-

tion to January 31, 1910,

under Manager Riley during

season 1908 and 1910, as

shown by cost accounts.

This cost should not have exceeded \$1 per M (N-4).

2. *Camp 7 logs.*—These logs cost per M (N-5), exclusive of stumpage and interest charges and eliminating overrun:

Operation.	(N-6.)	(N-7.)	(N-8.)
1. Logging.....	\$6.43	\$7.88	\$5.67
2. Loading.....	.36	.87	.50
3. Freight.....	.77	.95	.95
4. Cost, stump to mill.....	7.56	9.70	7.12
5. Unloading and boomage.....	.18	.23	.38
6. Manufacturing.....	3.92	3.02	2.86
7. Yarding.....		.67	.70
8. Piling.....		.48	.46
9. Miscellaneous expenses on manufactured product.....		.10	.12
10. Sales expense.....			.17
11. Shipping.....	.60	1.15	1.56
Total.....	12.26	15.35	13.37

based on actual costs as taken from cost accounts.

See certified copy of Ashford's cost statement.

The above statements show that the operations are being conducted under the present management for \$1.98 per M less than under the former manager. Even lower costs are being obtained at camps other than No. 7, and the average for logging for the past season to January 31, 1910, was \$5.33; for stump to mill, and 1910, as \$6.70.

(See certified copy of King's cost statement.)

The total feet and species cut by Braniff were as follows:

	Feet.
Pine .....	598, 440
Hemlock .....	31, 570
Maple and birch .....	127, 800
Basswood .....	157, 610
Rock and soft elm .....	34, 090
Red oak .....	67, 160
Tamarack .....	1, 600
Ash .....	1, 520
Butternut .....	580
Balsam .....	1, 050
Total .....	1, 021, 420

(9) Farr can identify the

statement and testify that it

was used by Braniff before the Senate committee as a basis for his reference to species cut.

(10) This statement forms a part

of King's cost statement. It

This statement of species cut was a part of the statement used by Braniff before the Senate committee. (N-9.)

The species cut by Camp 7 under the present management to January 31, 1910, were as follows (N-10):

	Feet.
Pine .....	63, 410
Hemlock .....	75, 960
Basswood .....	1, 131, 690
Rock elm .....	85, 420
Soft elm .....	118, 880
Maple .....	792, 670
Birch .....	156, 780
Other woods .....	295, 030
Total .....	2, 719, 840

3837 Pine and hemlock are soft wood—all others hard wood. (11) Expert testimony, Farr.  
(N-11.)

The total soft wood cut by Braniff was 630,010 feet, or 61½ per cent of the total cut.

The total soft wood cut under the present management was 139,370 feet, or 5½ per cent of the total cut.

Hard wood is more expensive to log than soft wood. The difference in the cost of logging is about \$1 per M. (N-12.) (12) Farr will testify to this as an expert.

The cut under the present management amounted to 2,719,840 feet; the cut by Braniff was 1,021,420 feet. The larger operation could be handled more economically. The difference in cost of logging is about 25 cents per M. (N-13.) (13) Farr will testify to this as an expert.

Considering the two conditions of species and size of operations on the basis of cost differences per thousand, the balance is in favor of the operation under the former management and against the present management.

In his statement before the Senate committee, Braniff stated that his Camp 7 operation was not a fair test on which to judge what can be done. (N-16.) (16) Hearings Senate committee page 910.

It was not a fair test of the operation as a whole, because 58½ per cent of the timber logged by Braniff was pine, the cheapest and most profitable timber to handle (N-17), whereas there is only about 10 per cent pine in the entire stand of timber (N-18); it was a fair test of what Braniff could do for the following reasons: (17) Farr will testify to this. (18) Farr will testify to this; also, page 911, Senate Document.

Braniff's reply to Senator Page; also Senate Document, page 940.

1. 58½ per cent of the timber cut was pine—by far the most profitable timber and the cheapest to handle. (N-19.) (19) Farr will testify to this.

2. The operation bore no expense for roads. (N-20.) (20) Ashford will testify to this. Also see cost statement.

3. The operation bore no expense for camp buildings. (N-21.) (21) Ashford will testify to this. Also see cost statement.

4. Braniff cut about 80 per cent of the stand in the area actually cut over (N-22), whereas cutting for conservation is supposed to mean not over 66⅔ per cent. (N-23.) (22) Rob Riley and possibly Farr will testify to this.

King has letter from Riley. (23) See Braniff's statement (S. Doc., p. 910).

5. The haul to railroad landing was short—averaging from 1 to 1½ miles. (N-24.) (24) King has letter from Rob Riley.

II. Relative to business ability of E. A. Braniff, placed in charge as manager by the Forest Service. Farr knows this.

A. Braniff did not cause to be installed and maintained a necessary, adequate, or proper cost accounting system, or system or analytical accounts, without which the operation could not have been properly managed on a business basis. (N-25; see also p. 15.) (25) For documentary evidence as to the books kept see the books.

As to their sufficiency, any accountant or business man will testify. As to Braniff's responsibility for the books kept, Ashford will not doubt testify that Braniff had full knowledge of the condition of the books and refused him permission to better them.

B. Under the law, the annual cut of green was limited to 20,000,000 feet and thus the operation became by law a 20,000,000 operation. Braniff contemplated a cut of about 22,000,000—20,000,000 green and 2,000,000 dead and down—as the regular operation. (N-26.) He constructed a plant with a capacity of nearly 40,000,000, as shown by the following: (26) See S. Doc., pages 909 and 910.

1. The woods' capacity (N-27): (27) a. King has letter from Rob Riley.

Camp 1	-----	Men.	b. Farr can testify that
3	-----	57	the camps
4	-----	120	were all
5	-----	140	planned, con-
6	-----	144	struction be-
7	-----	112	gun, and, pos-
	-----	112	sibly, com-
	-----	573	pleted during
Total	-----		Braniff's re-
	-----		gime.

3838 In computing woods' capacity on the basis of camp capacity in men, for winter logging under conditions such (28) Farr will testify to this.



(29) Farr as exist on the Menominee, 6,000,000 feet are estimated for each will testify to this. 100 men. (N-28.) On this basis the woods' capacity would be 34,380,000 feet for the winter logging. The difference of 5,620,000 feet would easily be made up by the spring and summer cutting of hemlock for bark and special cutting for building material. (N-29.)

(30) See Ashford's cost statement. 2. The mill capacity: During the period from January 15, 1909, to October 31, 1909, nine and one-half months, the mill sawed 25,368,338 feet of logs. (N-30.) On this basis, the yearly cut, allowing a shut down of one month for repairs, would be 29,373,865 feet.

(31) See I. O. File 24389-10. The statement was furnished from the lumber scale book and is certified to by the cost keeper. During the period from November 1, 1909, to March 19, 1910, the mill was operated 135 shifts of ten hours each. The lost time was 4.3 shifts, leaving an actual mill run of 130.7 shifts. (N-31.) Allowing for 52 Sundays, 7 holidays, a shut down of four weeks of twenty-four working days for repairs and a deduction of 3 per cent on account of lost time (N-32), the number of shifts per year would be 543. During the period from November

(32) Based on actual lost time as shown by I. O. File 24389-10. 1, 1909, to March 19, 1910, 6,349,330 feet of logs were sawed, or an average of 48,579 feet per mill run of ten hours. On that basis the annual mill capacity for 543 shifts would be 26,378,397 feet. During this period the logs sawed were mainly hard wood

(33) This will be borne out by the lumber scale book. (N-33); the old resaw was running during part of November, the new one about six days in March, and the balance of the time there was no resaw in operation; the logs sawed during February were a poor run of logs, many going on the carriage in a frozen condition. (N-34.)

(34) King will testify to this. (35) Taken from daily mill tallies furnished to Indian Office and made up from mill records. Ashford will certify to correctness. During the period from March 14 to 19, 1910, when the new resaw was in operation, the mill run was as follows (N-35):

Date.	Shift.	Hours.	Lost time.	Logs sawed.
			Minutes.	
March 14	Day.....	10	15	47,300
	Night.....	11	30	42,500
March 15	Day.....	10	30	50,710
	Night.....	11	.....	63,260
March 16	Day.....	10	.....	55,800
	Night.....	11	.....	60,570
March 17	Day.....	10	.....	54,560
	Night.....	11	5	58,120
March 18	Day.....	10	15	50,540
	Night.....	11	10	57,600
March 19	Day.....	10	15	47,130
	Night.....	5	.....	26,570
Total (12 shifts) .....		120	180	614,150

Number of shifts actual run, 11.7.

Average feet of logs sawed per shift, 52,491. On that basis the annual capacity would be 543 shifts, at 52,491 feet per shift, 28,502,613 feet.

(36) Farr will testify that a mill that will cut 750,000 in hard wood will cut 1,000,000 in soft wood. In soft wood a mill will cut 33½ per cent more than in hard wood (N-36), and as there is about 50 per cent of soft wood in the stand the capacity of the mill, sawing the run of the stand, would be, on the basis of actual figures presented above for the period March 14 to 19, 1910, inclusive, 33,253,050 feet. The period under consideration was during cold weather when much of the timber to be sawed is frozen, and the mill will do better work in the summer. (N-37.) Also, to the above capacity must be added the manufacture of shingles, posts, ties, piling, and other miscellaneous manufactures.

(37) Farr will testify to this.

Braniff testified before the Senate committee, under oath, that the mill capacity was about 10,000 feet per hour with green logs. On that basis the annual capacity would be about 54,300,000 feet. (N-38.)

(38) Senate Document, p. 904.

3. The yard capacity: The average yard inventory of lumber for the months of November and December, 1909, and January, 1910, was 16,129,494 feet. (N-39.) The full yard capacity is 3839 about 18,000,000 feet. (N-40.) Allowing for a maximum overrun of 20 per cent, a cut of 40,000,000 feet of logs would produce 48,000,000 feet of lumber. On the basis of 18,000,000 feet yard capacity, the yard would have to be turned over two and two-thirds times each year and allow an average of four and one-half months for seasoning.

(39) See King's cost statement.

(40) King's observations.

4. Capacity of shipping department: An examination (N-41) of the amount shipped in 109 cars, as shown by the records of the sales department at Neopit, most of which was hard wood, the average feet per car was 18,459. The shipping department can handle, with great ease, 10 cars a day. (N-42.) Eliminating fifty-two Sundays and seven holidays, and car shortage, the shipping department can work three hundred and six days each year, on which basis it could handle 58,487,600 feet each year.

(41) By King.

(42) King's observations.

III. Relative to knowledge by Braniff of true conditions concerning the operation.

1. Accounts: No man could have had knowledge of true business conditions with such a set of books as was maintained during the incumbency of Braniff because (see p. 9):

- A. There was not a credit entry in the ledger (N-43).
- B. Expense and depreciation were not distributed to asset and operating accounts (N-44).

(43) See the books.

(44) See the books; also, Ashford will testify to this.

(45) See the books; also, Ashford will testify to this.

(46) Ashford will testify to this.

- C. The books were never balanced and closed (N-45).

D. They were out of balance with the disbursing accounts by about \$15,000 (N-46).

2. Plant and operating costs: Braniff stated that the mill cost "in round figures \$160,000, with the plants and improvements in the yard," and again, in reply to the statement of the chairman that the actual figures furnished by Braniff, \$158,794, represented "just the cost of the mill." Braniff replied, "That includes the lumber yard also and the trams and piling ground."

Braniff's statement, made on *September 30, 1909*, was incorrect, as shown by his own books. There is an account "sawmill plant" in the books, but there is no way of telling just what it is supposed to cover.

Braniff stated under oath before the Senate committee that "The cost of the mill is as follows: Tools and machinery, \$71,461; material used, \$29,043; labor in constructing, \$58,290. That will equal the total construction" (N-47). The total debits (there are no credits on the account) on *July 31, 1909*, were exactly as stated by Braniff, eliminating the cents; but he made the statement on *September 30, 1909*, two months later, and the books showed the items to September 30, 1909, to be \$74,864.82, \$30,278.80, and \$63,354.18, respectively, a total of \$168,497.80, or \$9,703.80 more than Braniff stated to the Senate committee as the cost (N-48).

(47) Senate document, page 904.

(48) Documentary evidence—books and Senate document, 904.

It is difficult to determine exactly what plant is included in the account "sawmill plant."

Braniff stated (N-49) that the cost of the mill was about \$160,000 with the plants and improvements in the yard, and further on in his statement, in reply to the statement of the chairman that \$158,794 included just the cost of the mill, that it included also the lumber yard and the trams and piling ground.

(49) Senate Document, page 904.

A new set of books was opened on the basis of the close of business September 30, 1909. Innumerable errors were found in the asset accounts, which were corrected, and the books opened up on

(50) Ashford will testify to this. and assigned a separate account (N-50). Therefore, it seems reasonable and fair to assume, in view of Braniff's statements before the Senate committee, that the account "sawmill plant" included all mill and yard plants and improvements, for which no separate ledger account was shown in the old ledger.

(51) Certified statement 3840 by H. C. D. Ashford, cost keeper, Menominee Indian Mills, File 28537—1910. The actual cost of the following mill and yard plants and improvements, on October 31, 1909, for which no separate ledger account is shown on the old ledger, was as follows (N-51): King can identify his signature.

Item.	Cost.
Sawmill building and equipment.....	\$144,062.93
Shingle-mill building and equipment.....	2,766.64
Lath-mill building and equipment.....	2,072.04
Hot pond.....	4,245.35
Tramways.....	40,251.63
Pile bottoms.....	16,164.51
Loading tracks.....	2,370.12
Loading docks.....	2,293.39
Total.....	214,226.61

The cost as stated by Braniff was \$55,432.61 less than actual cost on October 31, 1909, one month later than the date on which he made his statement under oath.

The labor, warehouse, and voucher charges against these items during the month of October, 1909, amounted to \$1,970.15, leaving the actual cost to September 30, 1909, about \$53,462.46 more than stated by Braniff.

Had Braniff's statement equaled the actual cost on the above plant, it would still be incorrect, as the following plant items, which may certainly be construed as "plants and improvements in the yard," are not included. The costs are on October 31, 1909 (N-51):

Item.	Cost.
Planing mill, building and equipment.....	\$16,463.41
Norway dam.....	7,488.50
Lumber dry shed.....	1,284.97
Blacksmith and machine shop, building and equipment.....	6,561.07
Electric-light plant.....	6,462.87
Warehouse.....	1,604.72
Barn.....	3,504.35
Harness shop.....	36.68
Sleigh shed.....	429.29
Total.....	43,835.86

Including also the above items, the cost as stated by Braniff was \$99,268.47 less than actual cost on October 31, 1909.

The labor, warehouse, and voucher charges against these items during the month of October, 1909, amounted to \$507.80, leaving the actual cost to September 30, 1909, about \$96,790.52 more than stated by Braniff.

(52) Senate Document, 904.

(53) Records quoted with proof heretofore in this report.

3. Capacity of mill: Braniff stated to the Senate committee, under oath, that the capacity of the mill, with green logs, was about 10,000 feet per hour. (N-52.) On the basis of 543 shifts per year, the yearly capacity at that rate would be about 54,300,000 feet. The records of mill production show that the mill has never maintained such an average and never could. (N-53.)

IV. Condition of books kept during the incumbency of Braniff.

(54) a. See certified statement of discrepancies by Hamilton and Stinchecum, also authorities.

b. Ashford can testify: 1. That Belt was in complete charge of the books. 2. That the ledger is the official and only ledger. 3. That the time books are the originals. 4. That the ledger postings are in Belt's hand.

1. A thorough audit of the labor charges in the accounts reveal many and serious discrepancies between the amounts as shown in the ledger and as shown in the books of original entry (time books). (N-54.)

2. The actual cost of the projects shown in the statement were far in excess of the amounts authorized. (N-54.)

3. H. C. D. Ashford, now cost keeper at Neopit and employed under Braniff after the early part of July, 1909, requested of Braniff the privilege of installing a necessary, adequate, and proper system of cost accounts that could and would be kept in balance with the disbursing accounts; at least once Braniff gave his permission, orally; the installation of such a system 3841 would have required a thorough audit of the back accounts;

(d) such an audit would have disclosed the discrepancies; (e) after the permission had been granted, and on the same day, Belt was with Braniff at the latter's house for some time; (f) Belt, immediately after leaving Braniff's house, went direct to the office and notified Ashford he was not to change the system of accounts.

THOS. J. KING, Jr.

[Request for memoranda 4.]

APRIL 5, 1910.

J. R. FARR, Esq.,

*General Superintendent of Logging, Washington, D. C.*

SIR: This office has caused to be made several investigations of the handling of the Menominee timber operations by Mr. E. A. Braniff, of the Forest Service, from March, 1908, to November 1, 1909. There are reports in this office resulting therefrom which suggest extravagance, mismanagement, and incapacity on the part of Mr. Braniff. At the request of Mr. Vertrees, attorney for the Secretary of the Interior, I am having prepared for him a statement of such of these charges as are, in my judgment, so well sustained by the evidence as to be conclusive. That part of the statement covering the financial side of the operations has been finished and read by you. I desire that you submit to me, in writing, as soon as possible, a statement as to whether there are any further facts known to you which to your mind prove conclusively mismanagement, extravagance, or incapacity on the part of the local management during the time specified; and if so, what they are in detail.

Very respectfully,

(Signed)

R. G. VALENTINE,  
*Commissioner*

[Memorandum No. 4.]

WASHINGTON, D. C., April 8, 1910.

MEMORANDUM: LUMBERING OPERATIONS ON MENOMINEE RESERVATION, WIS. BY J. R. FARR.

*Sum withdrawn from Menominee fund and timber cut and sawed.*—Since the operation started on the "blown-down district" in 1907 and up to November 1, 1909, the sum withdrawn from the Menominee fund is \$1,038,000. About 40,000,000 feet of timber have been logged; less than 30,000,000 feet of this have been delivered at Neopit, and about 23,825,500 feet have been manufactured.

*Neopit operation finance from Menominee fund—How accumulated.*—Under the act of June 12, 1890, the Indians cut and banked their own timber for eighteen years and accumulated thereby nearly \$3,000,000. This fund was made available for the Neopit operation and over \$1,000,000 have been used. Following is a summary of part of the logging as performed by the Indians.

*Statement of operations for the last six years.*

	Feet logs.	Rate for logging.	Cost.	Sold for—	Stumpage (per M).
<b>Season 1902-3:</b>					
Green white pine.....	14,085,360				
Green Norway pine.....	702,900				
Green hemlock.....	211,740				
<b>Total.....</b>	<b>15,000,000</b>	<b>\$4.80</b>	<b>\$71,700.32</b>	<b>\$244,500.00</b>	<b>\$11.52</b>
<b>Season 1903-4:</b>					
Green pine.....	14,417,308	4.70			
Green hemlock.....	582,692	4.70			
Dead pine and hemlock.....	5,000,000	5.00			
<b>Total.....</b>	<b>20,000,000</b>		<b>95,236.60</b>	<b>256,961.00</b>	<b>8.06</b>
<b>3842 Season 1904-5:</b>					
Green white pine.....	11,687,570	4.70			
Green Norway pine.....	1,300,130	4.70			
Green hemlock.....	2,012,300	4.70			
Dead pine and hemlock.....	5,000,000	5.00			
<b>Total.....</b>	<b>20,000,000</b>		<b>95,700.00</b>	<b>311,000.00</b>	<b>10.76</b>
<b>Season 1905-6:</b>					
Green white pine.....	9,240,346	5.65			
Green Norway pine.....	932,620	5.65			
Green hemlock.....	2,327,034	5.65			
Dead pine and hemlock.....	5,000,000	5.00			
<b>Total.....</b>	<b>17,500,000</b>		<b>95,697.77</b>	<b>289,500.00</b>	<b>11.07</b>
<b>Season 1906-7:</b>					
Green pine.....	7,047,602	5.65			
Green hemlock.....	5,452,398	5.65			
Dead pine and hemlock.....	5,000,000	5.00			
<b>Total.....</b>	<b>17,500,000</b>		<b>95,788.71</b>	<b>325,700.00</b>	<b>13.13</b>
<b>Season 1907-8:</b>					
Dead pine and hemlock.....	a 7,500,000				

a In hand when Forest Service took charge.

*Price at which lumber can be sawed—cost of mills.*—A suitable mill and all necessary dwellings and buildings should not have cost to exceed \$100,000, even under the plan adopted by the Forest Service. It was my opinion, and I so advised the Indian Office, that suitable mills could be constructed at the three mill sites and put in operation for \$50,000, and not to exceed \$60,000. This estimate was based on my observations extending over twenty-five years and by correspondence and conversation with many prominent mill men and lumbermen at the time and before this question was being considered by the Indian Office in January and February, 1908.

When the Forest Service, early in March, of 1908, took actual charge in the field three mill sites had been located and certain clearing made and the logs were being banked at sites 2 and 3, to be manufactured there, and the balance in two streams for delivery at mill site No. 1, now Neopit. It was planned to build a mill at each site, the one at mill site No. 1 to have a capacity of about 40,000 feet for ten hours and the other two a capacity of 15,000 feet each for ten hours.

On November 13, 1907, sealed proposals for the construction of these mills and for sawing the logs were called for, to be opened December 17. The specifications provided that the mills at sites 2 and 3 be ready for operation within thirty days after the acceptance of the bid, and the mill at Neopit, site No. 1, by February 10, 1908. No bids were received for mill sites 2 and 3, for the reason, I presume, and was so informed by mill men, that the amount to be sawed by each mill, 6,000,000 to 8,000,000 feet, was not sufficient to justify the expense of buying machinery, hauling it by wagon or sleigh, constructing the mill and sawing the logs, for \$3.50 per M feet. Any mill man would naturally figure this expense at about \$1 per M, and this would make it necessary to saw the logs for about \$2.50 per M, with no certainty that the operations would exceed 6,000,000 or 7,000,000 feet or continue longer than one season.

Two bids were received for the mill at Neopit, and while they offered to build the mill and have it ready by the time specified and to saw the logs for a little

less than \$3.50 per M feet, the bids contained other provisions not permissible under the act. The amount to be sawed at this mill was estimated at 15,000,000 to 20,000,000 feet. This will make it evident to anyone that the bidders estimated the cost of constructing the mill at considerably less than \$20,000, and will also establish beyond question that all or any part of the timber on this reservation when delivered at any point on any railroad can be sawed at \$3.50 per M, and this price to cover the construction of mills, dwellings, improvements, and all expenses. After these two bids had been rejected other parties offered to construct the mill and saw the lumber at the price fixed in the act—\$3.50 per M feet—and comply with such rules and regulations as the department might prescribe.

3843 The officer in charge for the Forest Service, under date of April 3, 1908, in a letter to the honorable forester, made the following statement:

"A mill of the character above described will cost approximately \$75,000. Fifty to 75 houses for operatives, a hotel, office, barn, store, horses, wagons, and tramways for hauling lumber may be figured roughly at \$50,000 more. The total cost of the mill and town will thus approximate \$125,000."

From my investigation and examination of the books at Neopit I find that the improvements cost \$345,000, and this figure does not include horses, wagons, etc., nor take into account the \$29,000 expended in building a road from Neopit to Phlox, or the \$10,000 expended on the road between Neopit and Keshena. In my opinion, not to exceed one-third of this expenditure can be justified from any business point of view and more is not authorized under the act.

*Capacity of mill.*—It is true that a large up-to-date mill has been constructed and fully equipped, and the Forest Service claims it has a capacity of over 40,000,000 feet a year and it cost over \$160,000. A mill of this size and cost can not be justified. The act provides, "to cause to be cut and manufactured into lumber the dead and down timber, and such fully matured and ripened green timber as the Forestry Service shall designate, upon the Menominee Indian Reservation in the State of Wisconsin: *Provided*, That not more than 20,000,000 feet of timber shall be cut in any one year."

This language clearly limits the operation to 20,000,000 feet annually and specifies both dead and down timber and green timber. The act further provides that this limitation will not include the dead and down timber on three half townships. These are the lands designated in the former act and known as "the blown-down district," from which the 40,000,000 feet of logs had been cut, and this limitation was made so as not to prevent the manufacture of the logs already cut in the shortest possible time.

If it was the desire and intention of the management to construct a mill with a capacity of over 40,000,000 for the purpose of manufacturing the 40,000,000 feet of timber within one year, which had already been cut, the result was not accomplished. One year after the passage of the act less than 5,000,000 feet of timber had been manufactured, and only 20,000,000 feet of this timber had been sawed up to November 1, 1909, one year and seven months after the passage of the act, 11,000,000 feet of the balance had become worthless. It is true that it would have been much better and good business policy, and what any lumberman would have done, to manufacture all of the perishable part of this 40,000,000 feet within one year, but if this reason or excuse is pleaded to justify the construction of this large mill it will not apply, as has been shown, and future operations will have to carry the expense of a mill twice the capacity necessary. It would have been much better to have built small mills to saw this timber as rapidly as possible, and afterwards they could have been transferred to other points, while the big mill can not be divided.

*Three small mills versus one big mill.*—The proper time to drive logs is in the spring, when the water is plentiful, and it is just as necessary to be prepared and to do the work at this time as it is to harvest grain when it is ripe. This will apply to the other features of lumbering.

When the Forest Service representatives arrived on the Menominee Reservation in March, 1908, the situation was so plain that any lumberman of the most ordinary ability and experience would have started immediately to make the necessary stream improvements, so that the drive could be taken out that spring at the proper time and at reasonable cost, and at the same time arranged to build the three mills and have them in operation within ninety days. The mill for Neopit could be shipped to that place by rail. The mill for site No. 2 could be hauled in a distance of less than 7 miles, all good road, except about 1 mile, and \$50 would have put this in shape. The mill for site No. 3 could be hauled in a distance of 4 miles by making 1 mile of road. Any number of persons would have been glad to take a contract to deliver these two mills at the site selected and make the necessary road improvement for less than \$500.

There was no warrant and can be no sound defense for changing the plan of building these three mills, unless some other and better plan, which would bring about the sawing of the logs at an early date and be in other respects as good or better. There should be no uncertainty about the new plan, and all important features should have been determined before the original plan was abandoned. The railroad company would as readily have constructed branches to mill sites 2 and 3 to haul the lumber as to haul the logs, and this would save the Indians the \$1.99 and \$2.81 per thousand feet, respectively, expended for loading and ralling the logs from these two sites to Neopit.

It must be admitted by all that Neopit is a good location for a mill, but one costing not to exceed \$40,000 would answer every purpose. The law does not warrant a mill at Neopit with a capacity of 40,000,000 feet, costing over \$160,000, or at any other point on the reservation. If a large mill was  
3844 to be constructed, it should have been placed at some point so as to handle all the floatable timber, and the cost should not exceed \$100,000.

The reservation consists of ten government townships. The dead and down timber on the eastern part of the reservation, twenty to twenty-five million feet, is going to waste, and can never be brought to Neopit, and a small mill can not be constructed and operated where the timber is located, as the big mill has a capacity of twice the amount of timber allowed to be cut under the law.

*Improvement of streams.*—Approximately \$50,000 has been expended in the construction of dams and improvements of streams. This sum is fully two-thirds more than it should be. Under date of April 3, 1908, after the manager for the Forest Service had been on the ground for about a month, or at least sufficient time to thoroughly examine the operation, with the assistance at hand, he wrote the honorable Forester in part, as follows:

"Expenditures for river improvement will be covered by the \$7,000 appropriated from the Menominee fund."

After several thousand dollars had been expended in this work the manager, in a letter dated July 11, 1908, to the honorable Forester, made this statement:

"There is not a foreman, not a lumberman, not a river driver on the job who does not know we are throwing away money in attempting to drive this stream."

At this time he had decided to make it a railroad operation. In September of 1908, when the Senate committee made its investigation at Neopit, Wis., the manager for the Forest Service, in an effort to explain the high cost and to show the committee that operations could be conducted cheaper in the future, and referring to what it had cost to load and rail the logs in, made this statement with regard to the stream:

"Whereas that stuff (referring to the logs) can be driven down to Neopit here, where we have the river, for about 20 cents."

*Cost of loading logs.*—The manager estimated the cost of loading the logs at mill sites 2 and 3 at \$0.50 a thousand. It actually cost at mill site 2, \$0.99, and at mill site 3, \$1.81. The freight on the logs to Neopit was \$1 per thousand feet. It must be evident to anyone that had this timber been sawed at the two mill sites, the expense of loading and freight to Neopit, amounting to \$1.99 and \$2.81, respectively, would have been saved. The lumber would sell for just as much f. o. b. cars at these points as at Neopit, and besides, small mills could have been built there and the perishable timber sawed in time to avoid depreciation.

*Logs lost by delay.*—It is estimated that over 11,000,000 feet (11,394,339) of the 40,500,000 feet of logs cut have been left as entirely worthless at mill sites 2 and 3 and in and along the two streams.

This great loss is almost entirely due to the delay in driving, ralling, and sawing of logs. The loss in round numbers is 11,000,000 feet of a stumpage value of \$4. This in connection with the cost of logging, \$7, would make the total loss over \$120,000. This does not include the depreciation on logs which have been sawed and those that have not.

*Stumpage value.*—The value of the stumpage per thousand feet for the entire stand of merchantable timber on the Menominee Reservation is about \$6. I think this would be the opinion of the great majority of men posted in the lumber business and familiar with this timber. In a letter of the Forester to the Secretary of Agriculture, which was published in the Daily Northwestern, of Oshkosh, Wis., on July 26, 1909, he estimates the reservation as containing one and three-quarters billion feet of timber worth \$10,500,000. This would fix the stumpage at over \$6 per thousand. The following is what he said:

"The reservation contains approximately one and three-quarters billion feet of timber worth about \$10,500,000, all of which would have been seriously endangered, and much of it destroyed, except for the work of the protective forces."

The man in charge, Mr. Braniff, in a letter dated August 25, 1908, to the Forester, makes the following statement in reference to the stumpage value of the blown-down timber:

"Nevertheless, after due consideration, Mr. Farr and I have decided not to advocate a charge for dead and down timber left in the woods which has not been cut into. The waste charged for has been waste in long stumps, long tops, and logs left, and in estimating the amount we have taken only a fraction of the amount we feel a careful scale would disclose. The rate charged, namely, \$3 per M, represents a very low stumpage price, approximately \$2 less than the price the timber would bring if it were sold as stumpage."

*Value of the 40,000,000 feet of logs.*—The timber from which this 40,000,000 feet of logs was cut could have been sold on the stump after it had blown down at \$4 per M feet. The logs could have been sold at the mill sites and in the streams, where they had been banked, for over \$11 per M feet at any 3845 time during the spring of 1908. Mr. Smith, of the Menasha Hardwood Company, was prepared to offer over \$11. This would fix the stumpage value of the logs at that time at over \$4.

*Heavy loss in manufacturing the logs.*—The Forest Service, on the portion of these logs which it has railed and driven to Neopit and manufactured, has lost over \$4 a thousand. That this loss has actually taken place is well known and is clearly established by the records in the Neopit office. In arriving at this loss no stumpage has been charged, and as the stumpage was worth \$4, this would make the loss to the Indians over \$8 a thousand.

*Cost of driving logs.*—The manager estimated the cost per M feet for driving the logs in the two streams at about 60 cents a thousand. In a letter dated May 29, 1908, to the Forester, he said:

"The driving crew drives the streams alternately, this day the little stream, the next day the big one. The cost of getting the logs down to the pond, not including any improvement work, is estimated to be about 60 cents per M feet, though this figure may be a little high. It will hardly fall under 50 cents."

The books at the Neopit office show that it cost 90 cents and \$1.23 per M, respectively, to drive the streams referred to by Mr. Braniff, and a considerable portion of the timber still remains in the streams, and it is always much more expensive to make a clean drive and pick up the rear than for the main body of the drive.

Something over 3,000,000 feet of timber remained in the Wolf River and one of its branches. This timber was cut by the Indians during the logging season of 1907-1908, under the act of June 12, 1890. In regard to the cost of driving these logs and shipping them to Neopit, the following appears in Mr. Braniff's letter of March 19, 1909, to the Forester:

"I think these Wolf River logs can be put in the pond at Neopit for \$2.50 per M, which would make the logs cost us in all, including the cost of logging them (which was paid for by the Indian Office before the Forest Service took charge), \$8 per M."

The books of the Neopit office show that it cost \$4 to drive these logs to Shawano. The logs were sold there by Mr. Carroll and myself. The expense in getting them from there to Neopit would have been \$2 a thousand, \$1 for loading and \$1 for freighting. The Wolf River and its tributaries have been driven for many years, and the usual charge for driving logs to Oshkosh, which is 60 miles below Shawano, and booming and railing them there, is \$2.50 a thousand.

*Error in estimate for funds.*—Mr. Braniff, in a letter to the Forester, dated March 26, 1909, after he had been in charge over one year, furnished an estimate of the expenses for the next six months, and fixed the sum at \$150,610, and that the mill would saw during that period, 24,000,000 feet. The amount of lumber actually sawed during that time is 14,553,578 feet and the sum actually expended is \$257,252.95.

If the full 24,000,000 had been sawed, the expenditure would have exceeded \$300,000. Mr. Braniff states in his letter:

"My estimate of expenses is given with confidence that it forecasts, within a reasonable limit, what the expense will be for the six months beginning April 1."

*Twenty-nine-thousand-dollar wagon road, Neopit to Philox.*—The expenditure of \$29,000 in building this road was not proper. Such a road is not necessary to the operation. The old road answered every purpose even before the railroad was extended across the reservation, and with such improvements as could be made for a few hundred dollars, would be superior to the roads usually used in lumbering operations. This new road closely follows the railroad from Neopit



to Phlox, and at the time it was being built it had been fully decided by the management to build a railroad or have the railroad company construct a branch over the territory where this expensive wagon road has been built. In fact, part of the right of way was being cut at the same time this road was being constructed.

*Seven million five hundred thousand feet cut by the Indians, season 1907 and 1908, under act 1890.*—During the season of 1907 and 1908 the Indians cut and banked 7,500,000 feet of timber, nearly all of the cut being strictly dead and down. When the manager for the Forest Service arrived in March, 1908, this timber was banked and being banked.

The logs had been advertised, but all bids were rejected, the price offered not being sufficient. Approximately 2,423,136 feet of this timber was banked in the Wolf River and the main west branch. Before a decision was reached as to how the logs would be disposed of this amount had become mixed with the general drive, which terminates at Oshkosh. I urged that the logs be driven there, and a contract was made to include the driving, booming, sorting, and brailing, at the rate of \$2.50 a thousand, which is the usual charge. I sold the logs at Oshkosh to Mr. Campbell for \$10.75 a thousand. This left a stumpage or profit to the Indians of about \$3 a thousand feet. Of the balance of this cut, 1,758,281 feet had been banked in the south branch of the Oconto.

3846 The management, during the spring of 1909, had these logs driven to Seuring, and there loaded on the cars and shipped to Neopit and manufactured.

Following is a summary of the transaction :

Logging and scaling, per thousand feet.....	\$5. 25
Driving .....	3. 08
Loading .....	. 83
Freight .....	2. 28
Sawing, etc.....	4. 67
Loading lumber.....	. 60
Total .....	16. 66

The probable value of this lumber f. o. b. cars at Neopit would range from \$10.50 to \$11. The Neopit office estimates the value at \$11 to \$11.40. This would show a loss of from \$5.25 to \$5.50 per thousand feet, without making any charge for stumpage. Another feature of this transaction worthy of mention is that when the timber was cut the number of logs banked were 17,440 and the scaling at that time 1,758,281 feet. During the following spring Mr. W. H. Farr, who had charge of the Indian logging, was at Oshkosh looking after the logs which had been driven there, and wrote the management to have a boom placed across the Oconto to keep the Indian logs from mixing with the Paine Lumber Company logs, which were located farther down the stream. On his return he made an examination and found that from 75,000 to 100,000 logs had passed down and mixed with the Paine company logs. These logs had never been paid for and I do not know that any effort has been made in this regard. Another peculiar feature is that when these logs arrived at Neopit and were scaled there before being sawed this scale exceeded the bank scale 1,509 feet, although the number of logs was 742 less than the number scaled on the bank. The lumber actually cut from the logs is 1,532,874 feet, being about 200,000 less than the bank scale. The balance of this timber, amounting to 3,288,583 feet, according to bank scale, had been landed in the waters of the Wolf. During the spring and summer of 1909 the management drove this timber to Shawano, the drive costing about \$4 per thousand feet. It was the intention of the manager to load the logs out there and ship them to Neopit for manufacture. Had this plan been carried out, the result would have been as follows:

Logging and scaling.....	\$5. 25
Driving .....	4. 00
Booming at Shawano.....	. 15
Loading at Shawano.....	1. 00
Freight, Shawano to Neopit.....	1. 00
Sawing, etc.....	4. 67
Loading lumber.....	. 60
Total .....	16. 67
Value of lumber f. o. b. cars.....	11. 00
Loss.....	5. 67

At the time the logs reached Shawano Mr. Carroll was in charge and we sold the logs at \$8.40 per thousand, which would make a difference in favor of the Indians of over \$15,000.

For many years logs have been drove from where those were located, through Shawano to Oskosh, which is 60 miles farther, at \$2.50 per thousand for driving, sorting, and booming. This drive to Shawano should not cost to exceed \$1.50.

*Cutting 40,500,000 feet under act 1906.*—The responsibility for this operation and manner in which the work was performed rests about equally with the Indian Office and Forest Service, although part of the cutting took place before the cooperative agreement was signed.

The Indian Office was in charge of the operation up to that time. Mr. E. M. Griffith, state forester for Wisconsin and collaborator for the National Forest Service, and receiving a certain compensation from that service, was, by request of the Secretary of Agriculture and the Forest Service, authorized to cooperate in the supervision and management of all timber operations on reservations in Wisconsin, and to appoint two cruisers to inspect the work on Indian reservations, to be paid with the funds of the Indians. Mr. Griffith appointed John W. Goodfellow and employed him as cruiser on the Menominee Reservation for several months before the operation under the act of 1906 started. The Indian

Office, largely on the action and statements of Mr. Griffith, selected Mr. 3847 Goodfellow, and he was appointed superintendent of logging by Secretary Garfield and placed in charge of this operation. He had charge of making the contracts, setting the prices, and designating how the timber should be cut, scaled, where landed, etc. Mr. Griffith visited the operation, and Mr. Howath, of the Forest Service, under his direction, spent several weeks on the work.

In the latter part of October, 1907, being about a month after the cutting had started, I made an examination of the operation, and on November 5 made a long report to the office, objecting to many features of the contract and the work, and I also informed Mr. Griffith of my views. He appeared to be satisfied with the work. The office promptly called on Mr. Goodfellow for a report and instructed him that the matters complained of must be stopped.

The next opportunity I had to examine the operation was in the latter part of February, 1908. I found conditions much worse than on my first visit. I made two exhaustive reports under dates of March 2 and 3, and they were promptly referred to the Forest Service, and on March 7 I made another report, suggesting and offering to meet the representatives of the Forest Service and show them the matters complained of.

*Cooperative agreement.*—The cooperative agreement was signed January 22, 1908. At this time not to exceed one-third of the 40,000,000 feet of logs had been cut, and not more than one-fourth had been delivered, and a large part of this would be delivered at mill sites 2 and 3, not in the water. On February 20, 1908, Superintendent Goodfellow, then in charge of the logging, reported to the office that about 22,000,000 feet had been delivered at the mill sites and in the streams. A large percentage of this would be delivered at the mill sites, as it is customary to leave the timber along the streams to be put in late in the spring, after the snow and frost have partly gone, which make it difficult or impossible to haul logs any great distance. Fully one-half or more of the logs banked in the streams were put there after March 1.

The Forest Service had been fully informed as to all violations of the contract and as to the condition of the streams, and how the logs were being banked, and the importance and necessity of immediate action. I had made a report on the situation November 5, 1907, and two very exhaustive reports on March 2 and 3, 1908, and on March 7 offered to meet the representatives of the Forest Service and show them the matters complained of. My reports were before the Forest Service, and several officials visited the reservation during the months of March and April. I made another report March 30, urging the importance of making arrangements for the delivery of the logs and the construction of mills, so that they could be sawed at the earliest possible date.

J. R. FARR, G. S. L.

**Affidavit of Edward A. Braniff, and Exhibits.**

STATE OF NEW YORK, *County of New York*, ss:

Edward A. Braniff, being duly sworn, deposes and says:

Secretary Ballinger, May 5 and 6, attacked the Forest Service and myself by presenting to the joint committee a series of reports by Colter, Farr, King, and Valentine reflecting on my administration of lumbering operations on the Menominee Indian Reservation, Wis., charging me with the loss of an immense sum of money belonging to the Indian tribe. Although these reports were not sworn to, and no witness has been called to substantiate them, the fact that he offered them in evidence, and thus ent them the great weight of his official position, caused the public to accept the damaging statements contained in them against me as true. Mr. Ballinger testified that he had only read the conclusions and general statements of Colter's report. Had he analyzed the statements and figures it contained I believe that he would not have put on record charges so inconsistent and so false. I have come on here from the Pacific coast, where I am now engaged in private business, to present my statement to the committee and answer these charges.

**SUMMARY OF FACTS SET FORTH IN MY STATEMENT.**

1. Colter's estimate that \$731,780 has been "lost to the Menominee tribe" through my mismanagement is made up partly by contrasting what I spent with what Colter's guess is I ought to have spent. To this he adds 50,000,000 feet of dead timber, which he charges against me at \$5 per thousand feet on the stump, whereas it had no actual value when logged. This was a loss, it is true, but a loss chargeable not against me, but against the Indian Office, which allowed the timber to stand until worthless, at which time the Forest Service was called in to save it. The minor items which make up the "loss" have no place in such statement, as my analysis will show.

4821 2. When I undertook, in March, 1908, to relieve the Indian Office of the Menominee work, the job had already been almost hopelessly messed. The Indian Office had allowed 41,000,000 feet of blown-down timber to lie in the woods until it was not worth cutting; then gave contracts for logging it at too high a price, and allowed a scale on which payment had to be made which was at least 25 per cent too high; it permitted the logs to be landed in such manner as to increase greatly the cost of handling, and having already incurred a heavy expense, and being unable to finish the job, called in the Forest Service.

3. The law under which the Menominee enterprise was undertaken contemplated perpetual lumbering. The mill plant, dams, and other improvements were put in to last, and were of much more permanent character, and therefore more expensive than a lumber company, which expects to skin the land and leave, would have built. This expense was not incurred merely for the purpose of manufacturing 41,000,000 feet of old decayed logs, as Colter has assumed, but for the development of the immensely valuable forest resources which the reservation contains. The permanent improvements made will greatly reduce operating expenses in future. The Menominee enterprise, as I left it last October, was probably the most attractive lumbering proposition in Wisconsin, and with reasonably good management could not fail to be a great and permanent success, and as such a benefit to the Indian tribe.

4. Under Indian Office administration the Menominee enterprise will, judged by past experience, inevitably fail. The construction work was done by the Forest Service, not with the help of the Indian Office, but in the face of its indifference and obstructionism. The record of the Indian Office in lumbering on this reservation for the past forty years is a record of mistakes and failures. The money which the Menominee Indians have acquired through logging in the past was made by destructive lumbering. They destroyed and burned as much timber as they cut and sold. With the immense area of virgin white pine given them they could not help making some profit in their logging. But the Indian Office has no men qualified to carry on a complete lumbering operation, involving both logging and manufacture, and if it had it would not support them. If the Menominee work is to be saved from utter failure, and the Indians from a loss on their heavy investments, the work must be turned over to the only trained government organization capable of handling it—the Forest Service.

## I. ANALYSIS OF COLTER'S FIGURES.

Colter charges me with a loss on the mill plant of \$129,719.45, which is the difference between what the mill and plant cost and what Colter believes it ought to have cost. He assumes that a much smaller mill would have been sufficient to saw the logs. His statement that such a mill could have been built for \$125,000 is merely his guess.

Colter charges a loss of \$26,987.40 for buildings and equipment to take care of the employees. This is the difference between what was spent and what Colter guesses ought to have been spent.

Colter charges a loss of \$53,360.75 for losses on lumber, lath, and shingles.

He credits me with 2,000,000 feet of lumber which I sold at \$16.23 per 1,000, but inventories the lumber in the yard at only \$10.26 per 1,000. How he arrives at the latter figure he does not explain.

He also charges me with a shortage of over a half million feet. His statements on this point are most confusing and inconsistent.

Colter charges me with \$99,379.46 on logs, evidently meaning the difference between the amount of logs which arrived at the mill and were sawed into lumber and the amount on which the Indian Office paid stumpage. This shortage was due to fraud in the logging contracts and sinkage while in the drive, for which the Indian Office is solely responsible.

Colter charges me with \$50,992.30 on account of excessive expenditures in stream improvements and dams. He thinks this construction work a total loss, ignoring the fact that it should be charged not alone against the dead logs but against the immense amount of standing timber which must be driven in future years on these streams.

I am charged by Colter for fighting fires with a total loss of \$12,506.74. According to Colter's analysis, I should not have spent any money whatever for fighting fires. He does not set over against this sum any credit for timber saved, but assumes that the fires should have been let run.

Colter believes that I spent \$6,630 more for my logging teams than I should have spent, whereas the fact is that when I left the work we had not enough horses. Colter apparently disapproves, also, of the quality of the horses which were purchased for logging purposes, believing that we should have got along with inferior material. Colter believes that my log loaders, wagons, etc., were too expensive by the sum of

\$4,544.25.

4822 Colter charges me also with \$2,188.81 for making a railroad grade, which sum he believes I should not have spent. Why I should not have spent it he does not state. The railroad grade was made in connection with our logging operations and was a necessity.

Colter charges me with \$1,742.41 for improvements at mill sites 2 and 3. He does not state the character of these improvements nor give any reasons for this charge.

Colter also charges \$234.79 for wood and refuse. No explanation is given for the charge.

Colter charges \$52,062.43 as interest on the sum invested. This is a charge to make against operation and not against construction work before operations have been in progress a year. It is true that a fixed charge for interest and depreciation of the plant are properly to be made against the enterprise, but it is inaccurate to make this charge on the total sum invested for a period of one year before operations were well under way.

This is sufficient to show the inaccuracy, unfairness, and lack of knowledge of business methods displayed by Colter in formulating his total "losses" with which he charges me. The charges fall of their own weight.

## II. CONDITION OF THE MENOMINEE WORK WHEN I UNDERTOOK IT.

A storm in July, 1905, had blown down a large amount of timber, much of it hard woods, which quickly deteriorate in summer weather. Had this timber been logged the following winter, much of it would have been saved without damage. The Indian Office had ample authority under the act of 1890 to log this timber. It did not begin to log it until the winter of 1907-8, leaving it nearly three full summer seasons exposed. By this time it had become so rotten that as a logging proposition it was not worth handling and most of it should have been let alone. The Indian Office then committed a long series of blunders. It let logging contracts at too high a figure (most of them were \$7 per thousand feet), it let them to irresponsible contractors; it framed contracts in such a manner that they contradicted themselves and no one knew just what they meant, etc. A logging superintendent was put in charge to enforce the contracts; this man was grossly incompetent, if not worse. Although a high price

had been offered for logging dead and down timber, yet many of the contractors were obliged to cut green timber (which was cheaper to log) and were paid for it. The logs were landed in such manner as to make their handling very expensive. Great waste was committed in the logging, and on most of the cuttings an immense amount of timber which, under the contracts should have been logged, was left. Finally, the scale which the logging superintendent was responsible for was on every contract too high, and in several cases was so much too high as to give strong appearance of fraud. The Indian Office was fully advised of these conditions. Its general superintendent of logging reported the conditions in his letters of November 5, 1907, and March 3, 1908 (see Exhibits A and B), to the Commissioner of Indian Affairs, but nothing was done at a time when vigorous action could easily have stopped the great losses.

When I arrived on the Menominee, March 10, 1908, practically all of the timber had been cut, though some of the contractors were still hauling logs. I was required to pass upon these contracts and recommend payment. On a few I recommended payment in full, but on the rest I was obliged to recommend that sums be withheld as penalties for failure to comply with the terms of the contracts.

Some 41,000,000 feet of logs had been landed by the contractors under Indian Office direction at scattered points over a wide area. Most of the logs had been dumped into Big West Branch and Little West Branch of Wolf River. "Dumped" they were, rather than landed, and the dumping had been so done that the work of breaking the rollways and driving the logs was rendered three or four times as expensive as if the logs had been properly landed. In the case of the Big Jim rollway it cost 70 cents per M merely to break the rollways. Hardwood logs which will not ordinarily float and which no sensible man ever attempts to drive unless compelled to, had been dumped into the streams along with the drivable pine and hemlock. Other logs (7,000,000 feet) had been landed in a cleared place in the woods about 10 miles northwest of the Neopit railroad station, and others (6,000,000) some 3 miles farther south.

This work had all been done without intelligent thought as to the outcome. An immense amount of worthless timber had been cut and must be paid for at a high price; the scale, as I afterwards determined by check-scaling, was not less than 25 per cent too high, so that we were getting one-fourth less timber than was being paid for, and the logging had been so done as to make necessary a maximum of expense in transporting the logs to the mill for manufacture.

I state, therefore, that the comparatively high cost of handling these old logs was the condition imposed upon me by the negligence of the Indian Office; also 4823 the logging had been so unintelligently done that the Indian Office would never have been able to extricate itself from its predicament without a tremendous loss of timber. The intervention of the Forest Service at this point was most fortunate for the Indian Office.

### III. REASONS FOR MY EXPENDITURES—WHAT I ACCOMPLISHED.

Shortly after my arrival the act of March 28, 1908, was passed, which provided a comprehensive plan for the administration of the Menominee forests, for logging, and for the manufacture of the lumber in sawmills built on the reservation. Being the man on the ground, the work was intrusted to my hands, though I had from the first the advice and assistance of experienced men of the Forest Service. The immediate task was the manufacture into lumber in the shortest possible time, so as to prevent total loss, of the 41,000,000 feet of old logs which the Indian Office had logged. Had this been the only task to accomplish my methods would have been radically different and my expenditures on a much lower scale. I might have greatly cheapened the work, I might have put in three or four little portable mills, built no roads, made no town improvements, and reduced my river improvements to the construction of a few little dirt dams of the type built by loggers who use a stream only for one season. But the act of March 28 contemplated the development of the largest and most valuable tract of timber in Wisconsin under a forestry policy that assured, if properly executed, perpetual lumbering. Therefore the construction work had as its main idea not the manufacture of the old logs, which could only show a loss, but what was immensely more important, provision for economical handling of the standing forest. My critics have tried to make the old logs stand the entire expense, whereas they were only a small factor in the comprehensive plan of the work. The large sums spent on improving the streams will reduce the cost of driving from about 60 cents to less than 25 cents per thousand, and the work was so thoroughly done that the upkeep will be trifling. The mill plant is modern and economical. The roads, town improvements, etc., are permanent and in the long run will be found an economy instead of an extravagance, as charged.

On the whole, the Menominee enterprise when I left it in October, 1909, was, if properly handled, the finest lumbering proposition in the State. The wealth of virgin timber, cut under approved forestry methods, would feed the mill perpetually, growing from year to year more valuable. The double system of transportation enables the mill to run during the summer on logs driven for about 20 cents per thousand on the streams and during the winter on hard-wood logs brought in by railroad at \$5 per car (about \$1 per M feet). The permanence of the construction work, the economical mill, the favorable rates to Chicago and eastern points were factors which made this enterprise an ideal one for the perpetual benefit of the Indian tribe.

#### IV. RECOMMENDATIONS.

If the Indian Office continue in charge of lumbering operations on the Menominee, that enterprise can not, judged by the past record of that office, be made a success. My reasons for this opinion are: (1) The Indian Office has had insufficient lumbering experience and is not equipped with trained men of a character suited to carry on lumbering operations; (2) even if it could be so equipped it would not render them the intelligent support necessary to achieve success, but would continue to hamper them with unintelligent and unnecessary restrictions; (3) it has no clear conception of and no real sympathy with forestry, which is the vital feature of the entire plan of operations; (4) the record of the Indian Office for forty years on at least this reservation is against the hope that it can handle the Menominee enterprise successfully. For at least half this time, since the passage of the act of 1890, the Indian Office's administration of logging has been accompanied by gross waste, and the destruction through fire and other causes of an immense area of virgin white pine. Even the simple task of cutting and selling the timber has proved too much for its capacity. It is hopeless, then, to expect of its organization the keen personal interest, courage, and resourcefulness which, combined with a technical knowledge of forestry and lumbering, are necessary to bring the work to a success.

A detailed statement of the past record of the Indian Office in handling timber matters is contained in my letters of August 28 and September 29, 1909, hereinafter set forth.

If the present enterprise is to be rescued from speedy failure it must, in my judgment, be quickly turned over to the one government organization competent to handle it—the Forest Service.

#### 4824 ADDITIONAL COMMENTS ON CRITICISMS OF COLTER, KING, FARR, AND VALENTINE.

1. Colter's comments on the stand of timber on the reservation are without value, as only a small part of the reservation has been cruised. The valuation of the timber has, therefore, no foundation.

2. *My limited experience.*—For answer, see letter of Gifford Pinchot to the Commissioner of Indian Affairs, October 23, 1909 (Exhibit C), detailing my experience. As proof that my work was satisfactory to the Indian Office, I state that when the cooperative agreement was terminated Commissioner Valentine was exceedingly anxious that I should continue in charge as an employee of his office. He summoned me to Washington, stated his entire satisfaction with my work, and his belief that the best interests of the work required my remaining in charge of it. On my consent to accept transfer to the Indian Service from the Forest Service, he had my salary increased and gave me his assurance of personal help in meeting the difficulties which I had encountered in dealing with his office. It was his failure to keep the promise that resulted in the severance of my connection with the Menominee work. I further add that I had at all times while under the Forest Service the benefit of consultation with its experienced field men, and that on the construction of the sawmill I employed an experienced and thoroughly competent mill designer and constructor.

3. *Capacity of the mill.*—Is it greater than it should have been? The mill was built to saw 20,000,000 feet of green timber in addition to the dead and down timber picked up in the blown-down district. The Attorney-General at this time had decided we could not work men more than eight hours per day, and on this basis the mill was of sufficient size to take care of the cut allowed under the act of March 28, 1908. Calculating 280 working days per year, with an average cut of 80,000 feet per day of eight hours, the total is 22,400,000 feet, which is about right. When the mill was completed, the Attorney-General rendered another opinion, reversing his first one, and deciding that the eight-hour law did not apply to the Menominee work. But the mill is not too large, since a sufficient margin of capacity is necessary to compensate for accidents and delays. The worthlessness of the criticisms on this point is disclosed when it is learned that my critics have figured the maximum capacity of the mill running both day and night.

4. *The statement that Little West Branch was already improved and had been driven for many years by lumbermen is untrue.*—My critics probably mean Big West Branch. On this stream one of the old dams was completely washed out, and the other had to be rebuilt. Most of the river expense, however, was on the smaller stream, Little West Branch, which had never before been improved or driven.

5. *Location of the mill at Neopit.*—Colter believes I made a monumental blunder in placing the mill at Neopit. Farr, my other critic, strangely enough, contradicts him, and admits that Neopit was the best place for the mill. Farr is correct.

The lack of cheap piling ground for lumber was the sole disadvantage of the Neopit mill site. To correct it, I had to put the cull lumber on pile bottoms, driven in the swamp north of the mill. This was expensive, but it was inherent in the situation. Only cull lumber was piled in the swamp, and its value was not affected thereby. Lumber piled above the water is a common practice among lumbermen everywhere where piling space is limited.

6. Colter believes I might have stopped the loggers from dumping hard-wood logs, which will not float, into the streams when I arrived March 10. It was too late at that time. The mischief had already all been done. The Indian Office had had all winter to stop the practice and had not interfered.

7. Colter believes I should have hoisted the hard-wood logs out of the bed of the stream, loaded them on railroad cars, and railed them into Neopit. This is an absurdity. The cost would have been so great that I would shortly have abandoned the attempt had I been so foolish as to make it. The plan was suggested to me and was considered; but I gave it up as not feasible. Once in the stream the only solution of handling these hard-wood logs was to drive in quick water those that would float. The timber being dead, a surprisingly large amount of hard wood was successfully driven, though much was lost through sinking. Colter here speaks of the money spent on stream improvements as a "total loss" after the old logs had been driven, ignoring the standing timber, for which these improvements were mainly put in.

8. The road to Phlox was built for taking supplies to the camps in the west part of the reservation. It was built before we had an assurance of a railroad and was a necessity, anyhow, since it was the only outlet between Neopit and the country west of the reservation. The Phlox road, together with the Keshena road, which I also built, are the sole highways connecting the west part of the reservation with the Indian agency at Keshena, and are used by large numbers of Indians. These roads are permanent improvements, which open up a section of timbered country that was heretofore almost inaccessible except by horseback or afoot. The old roads which I rebuilt were mere ways through the woods, almost impassable in wet weather. The statement that "less than one dozen Indians reside on the western part of the reservation to which this road is tributary" is obviously false. Large numbers of pagan Indians reside there and use the road in coming to and returning from Neopit and the Keshena Agency. At the pagan dances, near the old schoolhouse along this road, several hundred Indians are frequently present.

9. Colter complains that I spent money in saving the Menominee forests from burning up in the summer of 1908. That year was an extraordinary one for forest fires; Wisconsin suffered millions of dollars of damage from the destruction of its forests by the flames. On all sides of the Menominee forest fires were burning, yet it was possible, by making extraordinary efforts, to fight and keep back the flames from the reservation timber. Had it not been for these efforts immense damage would have been done the tribe; at times even the sawmill and the town of Neopit were threatened, so that fire fighting was a matter of self-preservation. The cost of fire fighting in 1908 was about \$8,000, of which \$600 was returned to the Indian tribe by the State of Wisconsin. Colter contrasts my expensive fire fighting with the \$770.68 spent by the Interior Department in fire fighting on the Chippewa Indian Reservation, Minn. This is misinformation. Approximately \$10,000 per year has been spent on the Chippewa Reservation for several years in patrolling and fire fighting, the \$770 referred to being merely an emergency sum which Colter assumes to be a total. The vigorous efforts taken by me to keep out fires on the Menominee are in strong contrast with the methods used by the Indian Office, which has ignored fires and allowed an immense amount of valuable pine to be destroyed without effort to check the evil. No keener comment on Indian Office methods is needed than this objection of Colter's. I am amazed that objection was not made to my insuring the mill. To be consistent Colter should have raised that point, and I recommend it to his attention.

10. Horses, sleighs, and log loaders are necessary for logging, and their purchase is not an extravagance. I recommend to the attention of the committee the extravagance disclosed by the present management in its discarding the gasoline log loaders which I purchased. I operated them while at Neopit with entire success, loading logs with them for 36 cents per thousand.

11. Colter is unable to account for the difference between what the logs scaled and the amount of lumber sawed out of them. Ordinarily more lumber is sawed out of logs than the scale shows; in this case the scale was larger than the amount sawed. The answer is quite simple. The logs we were forced to handle were so decayed that a large part of them would not make lumber and went into the slab pit as mill refuse to feed the boilers. The scale shows what the Indian Office paid for, and the lumber tally shows what we got out of the logs.

12. The manufacture, when I left Neopit, was admirable. The percentage of mis-cut boards was at a minimum.

13. Colter states that I failed to do anything for the Indian. This is too lengthy a subject to discuss fully here. I refer you to the hearings before the subcommittee of the Senate that took place at Neopit in September, 1909. However, these facts are pertinent. April, 1908, the first month of active work under my direction, I was able to induce only 68 Indians to work, although work was freely given to all who would accept. A year later the number had grown to 307. With the idlers, the Indians who played politics would not work, and demanded responsible positions at high salaries without having displayed any capacity to hold them, I was ever on bad terms. On the other hand, never before had so many Menominee Indians held well-paying positions. Indians were raised from the ranks, and put in the following positions: Engineer of the sawmill; camp foreman; river foreman; head time clerk and bookkeeper; hotel clerk; assistant electrician; warehouseman. In addition, I kept whisky out of Neopit and the camps. This was unprecedented, and though not conducive to popularity with the Indian tribe, may be set down to my credit as something good I did for the Indian.

14. My cost-keeping system was in charge of D. G. Belt, clerk, and I had no knowledge of any inaccuracies it contained, and do not believe any serious inaccuracies existed. The statement that I consented to allow Ashford to revise the cost-keeping system, and later refused permission, is false. The statement that I countenanced bookkeeping methods that were inaccurate, and placed costs under headings where they did not properly belong, is equally false. No proof is given supporting this arbitrary and unjust statement.

15. Finally, I must protest against the statements contained in the letter of Commissioner Valentine (see pp. 3822, 3823) with reference to the severance of my connection with the Menominee work. That these statements are disingenuous, the record clearly proves. As an employee of the Forest Service under the cooperative agreement, my letters addressed to the Forester received prompt attention, and in 4826 the emergency work which I was doing I had behind me the confidence, sympathy, and invaluable help of the trained men of the service. When the Secretary of the Interior terminated the cooperative agreement, the whole situation was abruptly changed. I have stated how Commissioner Valentine summoned me to Washington and induced me, much against my inclination, to accept a transfer, at an increased salary, to the Indian Office. He had promised me his personal assistance in securing action on the matters which urgently needed attention, but did not keep his promise. The continued indifference of the Indian Office, its failure to respond to my urgent appeals, forced me to address to the commissioner, August 28, the following letter:

NEOPIT, Wis., August 28, 1909.

COMMISSIONER OF INDIAN AFFAIRS,  
Washington, D. C.

SIR: Permit me to call your attention to the large number of matters of importance to this work which have been referred by me to the Indian Office for action within the past few weeks and on which no action has been taken. The delays and difficulties experienced in securing action in Washington very seriously interfere with the administration of this work. The files of this office show the following matters which have been put up to the Indian Office which are still awaiting a decision:

August 3 I asked for the transfer of P. S. Everest, special disbursing agent, for the continued disloyalty to this work and a concealed attempt to reverse my decision. The facts were fully set forth in my letter, and are a matter of record in the files of the Indian Office. My letter remains unacknowledged, and no action has been taken.

June 3 I asked that school facilities be provided at Neopit for 75 children, both whites and Indian. A reply was received dated June 29, twenty-six days later, asking for further information. I answered this query July 3, the day received, from which time until the present, so far as I have been informed by the Indian Office, no action has been taken.

July 16 I called the attention of the office to the destruction of dams and timber and to the slaughter of trout by white fishermen. I stated that many forest fires were caused by careless fishermen, and asked that I be allowed to regulate the fishing



and hunting privileges and protect the Indian property. I drew up proposed forms of permits, stating restrictions to be placed on permittees, and outlined the whole matter completely. It would seem that no possible objection could be made to such a proposal, and that immediate consent would follow; yet no reply was received for more than five weeks. Then I received a letter dated August 21 asking for further information. I replied on the 25th, the day received, but so far no action has been taken.

August 2 I stated that the mill superintendent, G. F. Rice, employed at a salary of \$3,000 per year to construct the sawmill, had completed his work and his services were no longer needed. No reply having been received, I wrote again on August 16 for action, but have received none. It would seem that in such a case, where the highest salaried man on this work had completed his task and the request had been made that his name be dropped from the pay roll, immediate instructions would be issued; but my two letters remain unacknowledged and no action has been taken.

During my interview with the commissioner in Washington in July I was asked to draft a set of instructions defining the duties of myself and the superintendent of the agency, Mr. Wilson, so as to prevent misunderstandings and promote the efficient administration of affairs on the reservation. I drew up such a draft of instructions immediately on my return to Neopit and submitted them to the Indian Office for its consideration. On August 3 a telegram signed Francis, acting chief clerk, was received, stating that "you will be in absolute administrative charge of all affairs on Menominee Reservation not left with the superintendent at Koshona. The line between you and him will be defined at once." Notwithstanding this assurance, the line has not been defined and serious difficulties with the agent have ensued. These difficulties became so acute that on August 18 I outlined some of them and again asked for instructions defining the responsibilities of Mr. Wilson and myself, but up to the present time no action has been taken.

August 2 I called the attention of the office to the injustice done white employees of this work by reason of the arrangement with reference to a physician. Medical fees have been collected since November, 1908, from white men, and have amounted to from \$153 to \$310 per month. In return the men have had the services of a physician who cost the Indian Office a salary of \$1,200 a year. Profound dissatisfaction is felt by the men with the services rendered by Doctor Spears. The white men are paying enough to secure a first-class surgeon capable of taking care of them in case of accidents, which are numerous in logging and milling operations, and have a low-grade man thrust upon them. I asked in my letter that the fees which the white men pay should

be turned over to a first-class surgeon, whom I should be instructed to select, so  
4827 that the men would obtain the character of services they are paying for. Inasmuch as the surgeon would not be carried on the pay roll, but would be reimbursed out of the wages of the men, he need not and should not be a civil-service employee. I asked that Doctor Spears be relieved. August 12 a letter was received stating certain objections and proposing another plan which I knew, from experience on the ground, to be in actual practice not workable. I replied August 16, urging action along the lines suggested in my letter of August 2, but no action has been taken.

August 4 I wrote you asking for the authority to expend \$12,000 in the purchase of horses and logging equipment to log the sawmill this winter. August 7 you wrote me asking for further information. I replied August 12, the day following receipt of letter, giving a complete and detailed statement of the number of horses on hand, the additional number needed to log 16,000,000 feet of timber this winter, the average cost per team, the total cost, the amount needed for sleighs, logging equipment, etc. No reply has been received and no action has been taken.

August 11 I asked that the Forester be requested to send three experts to mark timber for cutting, as required by the act of March 28, 1908. My letter is as yet unacknowledged, and no action has been taken.

August 17 I asked for authority to pay Peter La Motte, an Indian, \$225 on account of an accident on our tramway to two of his horses, in which one of them was killed and the other crippled. My letter is unacknowledged, and no action has been taken.

August 19 I asked for \$500 to pay traveling expenses of employees, such as foremen inspectors, etc., obliged to go outside of the reservation in connection with their duties. My letter is as yet unacknowledged, and no action has been taken.

Two other matters which are still pending, and concerning which no action could be taken immediately, are the granting of 3 acres of land for the Catholic Church near Neopit and the revising of the regulations for the sale of the product of the Menominee mill. The revised regulations were submitted to you August 27, and I earnestly hope that action will be taken at once along the lines suggested.

To you, who are personally familiar with the magnitude of this work on the reservation, the necessity for confidence in the judgment of the man in charge of this work

and for prompt action on all requests made must be apparent. The restrictions of governmental procedure in carrying on a business operation of this extent are the most serious obstacles I have to encounter. It is absolutely necessary that some one sympathetic with our aims be stationed in the Indian Office who will make it his particular business to aid me in those matters which I find it necessary to put up to Washington for decision. I respectfully request that the matters referred to in this letter be investigated and that decision be rendered immediately.

Very respectfully,

EDWARD A. BRANIFF,  
*Forester in Charge.*

I waited a month to receive a reply, but the Indian Office was silent, and rendered desperate by the indifference I finally, on September 29, addressed another communication to Mr. Valentine reciting briefly the record of the Indian office on the Menominee Reservation as the best means of showing the results of the continuation of their present policy. I was intensely interested in the Menominee enterprise. I had put into it nearly two years of work at high pressure, and I was determined to secure necessary action from my employers or sever my connection with the work. I therefore tendered my resignation to the commissioner, conditional upon his refusal to grant me the authority necessary to continue the work. The letter follows:

NEOPIT, Wis., *September 29, 1909.*

The COMMISSIONER OF INDIAN AFFAIRS,  
*Washington, D. C.*

(Through J. A. Carroll, Neopit.)

SIR: I addressed to you on August 28 a most urgent letter, copy of which is attached, reciting in detail many matters, some of them vitally important to this work, which have been submitted to the Indian Office within the past two months for action, but on which no action has been taken. The necessity for acting on these matters was set forth fully, and I appealed to you to give this work the personal assistance it deserved. You have not granted my letter, now a month old, the favor of a reply, and important matters referred to have not been attended to. The situation has become even more acute within the past thirty days and requires immediate attention, which, if not given, will result in consequences the office alone must assume. For example, failure to obtain authority to purchase more horses will make it necessary to board up three of the five camps under construction for the winter's logging, and to shut down the mill for a time.

4828 The continued indifference of the Indian Office—its failure from the first to render any effective help—has been the most discouraging feature of this work. The Menominee work has progressed to its present stage not by reason of the office, but in spite of it. Since the inception of this work the office has not within my recollection advanced a single practicable idea toward its conduct, or assisted on its own initiative in effecting any improvement or advance. Each step in the orderly progress of this work from planning to achievement has been accomplished in the face of the indifference of the office, and after forcing from it after weeks a reluctant consent. When I agreed last July after the termination of the cooperative agreement to continue in charge of the Menominee work it was under your express promise of personal interest and personal help. This promise has not been kept.

Your attention is called to the Indian Office record of past administration on the Menominee, which proves that the policy now being pursued is the same one followed for so many years before and with lamentable consequences. I will recite briefly the record of this operation as the most illuminating example of the results of such methods:

The timber now being sawed in the Menominee mill was blown down in a storm in July, 1905. Timber prices were high that year, and other loggers (such as Mr. Houck, of Antigo) logged their blown-down timber that winter and saved it, making a profit. The office had ample authority under the act of 1890 to log this timber immediately, but did not do so. The hard wood lay over in the woods for three years and spoiled before it was finally logged in 1907-8 under the act of 1906. The old basswood, birch, and maple sawed in the mill has yielded practically all culls, worth less than the cost of handling. The cost of logging under contracts let by the Indian Office was \$6.75 and \$7; the cost of transporting and manufacturing this stock will average in excess of \$5 more, making a total of not less than \$12 expense, whereas cull basswood has been sold at from \$9.25 to \$11, and cull birch and maple at \$6. The Indian Office allowed an immense amount of valuable timber to go to waste which could have been saved. When the timber was logged the office permitted a class of logs to be cut which should have been left in the woods.

The conduct of logging operations on the blown-down district in 1907-8 is the best illustration of the evil effects of the methods which the office pursues in administering the present work.

The office first permitted the Menominee business committee, which let the logging contracts, grant contracts to itself as individuals. The bad character of most of the members of the committee, their record for dishonesty, greed, and self-seeking did not prevent the office from allowing this committee, in spite of protests, to grant itself profitable contracts. It was a party of the first part and party of the second part in many contracts. For example, Moses Tucker, chairman of the business committee, in whose name all the contracts were made, was allowed seven out of thirty-eight for himself and relations. These contracts were executed in violation of terms which made it necessary for me to penalize them as follows:

Contract 5, William Tucker, penalized \$682.51.

Contract 12, Moses Tucker, penalized \$509.81.

Contract 14, Louis and Peter Tucker and La May, penalized \$593.20.

Contract 18, Van Clem and Tucker, penalized \$369.90.

Contract 34, Tucker, Mattson, and Bowman, penalized \$200.

Contract 38, Moses Tucker and Brooks, penalized \$371.27.

Other contracts let by the business committee to its members were numbers 9, 11, and 19. All were badly executed and were afterwards penalized by me.

The office was fully advised from the start of the evil course taken under these operations. Within four weeks of the time logging began, its logging superintendent, Joseph R. Farr, after inspecting the work, rendered a full report, the facts of which were afterwards substantiated. Farr called attention to repeated violations, under which the office was empowered to cancel the contracts. In his report of November 5, 1907 (Exhibit C), and that of March 3, 1908 (see Exhibit D), he called attention to the cutting of green timber and leaving of dead and down, the gross waste in the logging, the excessive scale, and poor scaling methods, the favoritism shown in granting contracts, the high price paid for logging, presence of whisky and drunkenness in camps, failure to provide for transportation of the logs, etc. "Taking the operations as a whole," said your logging superintendent, "they are the worst I have examined since my investigation in Minnesota." No attention was paid these reports.

My appearance on this work dates from March 10, 1908. I was sent here by the Forest Service under its cooperative agreement with the Indian Service. The deplorable conditions which the Indian Office had allowed to exist were put up to me to deal with. The office had, in spite of repeated and urgent warnings of its logging superintendent, permitted 38 contractors to violate their contracts, and then turned the entire matter over to me to handle. Fraud had been practiced in several of the 4829 contracts. On contracts 16 and 17, in which W. P. Cook was the contractor, a shortage of 7,425 logs, or nearly 600,000 feet, was discovered. The contractor had been credited with this number of logs which could not be found. The scaling was everywhere careless and everywhere greatly in excess of a proper scale. For example, my check scale discovered the following overscales:

Contract 1, 22 per cent.

Contract 2, 12 per cent.

Contract 4, 17 per cent.

Contract 5, 13 per cent.

Contract 6, 8 to 31 per cent.

Contract 7, 9 per cent.

Contract 12, 16 per cent.

Contract 13, 11 per cent.

Contract 14, 11 per cent.

Contract 18, 11 per cent.

Contract 19, 18 per cent.

Contract 21, 19 per cent.

Contract 22, 20 per cent.

Contract 23, 18 per cent.

Contract 24, 13 per cent.

Great waste has been committed, and the contractors, who were paid a high price for logging down timber, logged much green and left much down. The logs were landed in so poor a fashion that to get them out involved a maximum of expense. For example, when I loaded out the logs landed by contractors at mill site 3 the cost was \$1.81; at mill site 2 it was 99 cents; whereas green logs, which I myself landed in proper fashion at camp 7, I loaded at 36 cents.

Another comparison: The cost of breaking the Big Jim rollway on the main branch where the logs had been dumped over a bank into the river was alone 77 cents (I kept separate record of this expense) without the drive. The cost of driving the main branch was \$1.23 and the little branch 90 cents. These streams can now be driven, with logs properly landed by me at not to exceed 25 cents. Therefore, costs of handling this stock have been high because the office permitted mismanagement in its logging.

It was necessary for me to discharge for incompetence the logging superintendent whom the office had here, John W. Goodfellow, and to bring charges against the superintendent of the agency, Shepard Freeman, who inspected the progress of the work. I was compelled to take the responsibility of refusing to recommend payment in full to the contractors, although it was realized that such a step would bring about wide and bitter hostility on the part of local interests and would damage the important construction work in which I was engaged. I was fully warned of this. In a conference with the contractors in Attorney Wallrich's office in Shawano, W. P. Cook, the contractor who had been penalized the largest amount (the penalty has since been reduced to \$9,584), told me that I could not expect to bring my work to a successful issue without the good will of the local community. To which I replied that if the community's good will was to be secured at the cost of approving the contracts I would try to get along without it. The total amount held back on these contracts is approximately \$26,000. This is money of which I prevented the tribe from being robbed, and I have never received from the office or from the tribe any testimony of appreciation for my effort. The office has left me alone and unaided to fight its own battles in a hostile community and has always been ready to lend an ear to the complaints of the very Indians whom I have benefited and of the whites whose raid on the tribal funds I have checked.

In the face of the accomplishments on this reservation during the past eighteen months the office has constantly presented a critical attitude. I have never had from it a friendly word or a helpful suggestion. The office has from first to last pursued the policy of obstructionism. Under the cooperative agreement I reported direct to the Forester, and matters which needed attention were taken up in person by the Forest Service, and action was thus obtained within a reasonable time. Now that I have been obliged to take up all matters in need of attention by letter direct with the office, without the advantages of an intermediary, the situation has become apparently hopeless. My most urgent letters remain unacknowledged and nothing effective is done. The appeal for action made in my letter of the 28th and other letters has not been granted. At the time when I had brought this work to a point of complete success, with the mill working perfectly and lumber being sold at good prices, you sent here Mr. J. A. Carroll to supplant me and placed me in the humiliating position of a subordinate. No cause was given, and I am at a loss to understand your action. In the meanwhile the situation so far as the work is concerned remains unchanged. The spirit of uncertainty and unrest, the Indian councils, petitions, charges, and countercharges have disorganized my crews and rendered the orderly conduct of this work impossible.

To make a success of this work the office must radically change its methods. A man must be placed in charge of the work with ample authority to conduct it and with sufficient funds to go ahead and get the necessary things done. He should not, for example, be compelled to suspend logging because of the refusal of the office to allow him to buy horses. He should be empowered to proceed with his work under the terms of the law; to sell the lumber to best advantage; and he should be expected to produce what the general manager of a lumber company must produce, namely, results.

If the office chooses to put me in this position to continue the work, under ample authority which will enable me to get results, I shall be glad to continue in charge of this work. If, however, the office deems this course inadvisable, I desire to tender my resignation.

Respectfully,

EDWARD A. BRANIFF, *Indian Forester.*

In response to these letters of mine, Mr. J. A. Carroll, who had in the meantime been sent to the reservation, received a telegram from Mr. Valentine as follows:

DEPARTMENT OF THE INTERIOR, INDIAN SERVICE,  
Washington, D. C., October 13, 1909.

CARROLL, *Neopit, Wis.:*

If consistent with your wish, direct Braniff to report to me at Washington at once, that I may accept his resignation in person, unless he prefers to wire it to-day.

VALENTINE, *Commissioner.*

The commissioner was evidently trying to make it appear that he desired I resign, so I wired him the same day as follows:

DEPARTMENT OF THE INTERIOR, INDIAN SERVICE,  
Neopit, Wis., October 13, 1909.

Your telegram thirteenth to Carroll. My resignation already tendered in letter September twenty-nine. Prefer acceptance apply November one in order to close up affairs official and personal, unless office desires my immediate withdrawal.

BRANIFF.

To which he replied October 14 as follows:

WASHINGTON, D. C., *October 14, 1909.*

Your telegram thirteenth. I accept your resignation to take effect November first, nineteen hundred and nine. The only request I have to make is that if you should not be in Washington before our official relations are severed you will do me the courtesy to make me a personal call the next time you are here.

VALENTINE, *Commissioner.*

On the same date that the commissioner wired me asking for my resignation he sent a letter of explanation to the Forester attempting to make it appear that my work had been unsatisfactory and myself "grossly unbusinesslike," whereas the real difficulty had been my refusal to put up longer with Indian Office methods. The commissioner's letter, date of October 13, is as follows:

DEPARTMENT OF THE INTERIOR,  
OFFICE COMMISSIONER OF INDIAN AFFAIRS,  
*October 13, 1909.*

DEAR MR. PINCHOT: Since we have worked together from the beginning, both formally and informally, in regard to timber matters on Indian reservations, I do not want to let the merely technical fact that the formal cooperative agreement is no longer in existence bring about any less thoroughgoing relations between us. Consequently, I want to tell you that this morning I have sent the following telegram, which will quickly lead to severing Mr. Braniff's connection with the Menominee work:

"CARROLL,  
"Officer in Charge, Shawano, Wis.:

"If consistent with your work, direct Braniff to report to me at Washington at once that I may accept his resignation in person, unless he prefers to wire it to-day."

In this connection I want also to say what is, of course, axiomatic, and yet, I believe, should appear in the record. From the beginning, I consider that the Indian Office, and the Indian Office alone, is responsible for everything that has been done at 4831 Menominee. At the request of the Indian Office the Forest Service undertook the Menominee work, and, under the cooperative agreement, acted as the agent of the Indian Office. The Indian Office could no more delegate its responsibility in this case than it could in any other. The Forest Service in turn employed local agents, and while for these local agents they were directly responsible the line of responsibility ran no less clearly until it stopped in the Indian Office. I have now done, on the basis of facts before me, what, if you were still directly in charge of this work, I feel you would do; and in doing it I want at once and for all to prevent any confusion in anybody's mind about this one fact, viz, that for whatever has gone wrong at Menominee I take the whole responsibility. I have found on the basis of data in the office that Mr. Braniff's conduct of affairs is grossly unbusinesslike. I was sure of this before the recent investigation of the Senate committee, but it seemed only courteous to them not to make any sudden change on the eve of their visit. They are now through with their investigation, and I have made the change, although I have heard nothing from them as to the result of their investigations.

In closing, I take this opportunity to say officially how heartily I thank you and the other members of the Forest Service at Washington for the great assistance you have always given me, both formally and informally, and are continuing to give me informally. I know that it is of equal regret to both services that I have found the agent on whom they relied so much, and who possessed to so marked a degree resourceful, courageous, and energetic qualities, to be in other particulars unfit for his task.

Sincerely, yours,

ROBERT G. VALENTINE, *Commissioner.*

HON. GIFFORD PINCHOT,  
*Forester, Forest Service, Washington, D. C.*

To this letter the Forester replied under date of October 23 as follows:

OCTOBER 23, 1909.

THE COMMISSIONER OF INDIAN AFFAIRS.

DEAR MR. VALENTINE: Your letter of October 13 is received, informing me that you have asked for the resignation of Mr. E. A. Braniff, who has had charge of lumbering operations on the Menominee Indian Reservation under the act of March 28, 1903. Your letter contains no statement of specific facts, but refers merely to "facts before me" and to "data in the office" as the basis for your opinion that Mr. Braniff's conduct is "grossly unbusinesslike" and he himself "unfit for his task."

These charges, made against a man recently transferred to your office at your own request and who from the first has been of marked benefit to your office, must be made specific. Without injustice to this service and to Mr. Braniff you can follow no other course. I await from you a definite statement of what action or inaction on the part of Mr. Braniff has led you to make these charges against him.

I call your attention in particular to Mr. Braniff's record.

In his connection with the Forest Service Mr. Braniff has steadily made good, although the greater portion of the work assigned to him was the first of its kind undertaken. He completed the full course at the Yale School of Forestry and graduated in 1903. He then entered the Forest Service and for a year was engaged in examining forest lands in Minnesota, Washington, and Oregon. In 1904 he was engaged in a commercial tree study in the southern Appalachians. He made an estimate of the standing timber in the State of Kentucky, by counties, and reported in detail on the market prices of lumber, cost of logging, logging methods, and commercial importance of the merchantable species of timber. Upon completing this work Mr. Braniff undertook a new mill study, in which he determined the actual amount of lumber sawed from trees of different diameters. This work is embodied in Bulletin No. 73, Grades and Amount of Lumber Sawed from Yellow Poplar, Yellow Birch, Sugar Maple, and Beech. In the fall of 1906 he completed arrangements for making a detailed working plan upon 60,000 acres of land in South Carolina. In December of that year he resigned to take a position for the receivers of the Houston Oil Company, of Texas, in which he protected the interests of the company in its contract with the Kirby Lumber Company for the sale of stumpage on more than 1,000,000 acres. This responsible but delicate position, requiring expert knowledge of lumbering, was so admirably filled by Mr. Braniff that his salary was increased from \$2,500 to \$4,000 within eighteen months. When the business depression of 1907 and 1908 came on, logging operations by the Kirby Lumber Company stopped and Mr. Braniff's services were no longer required. He then reentered the Forest Service and was assigned to work on Indian reservations in Wisconsin. The work on the Menominee, as you know, requires a man who is a forester as well as a lumberman. Mr. Braniff's experience, therefore, had peculiarly qualified him for the Menominee work.

4832 When Mr. Braniff undertook the handling of lumbering on the Menominee, the results of past incompetence in all phases of woods work made his task excessively difficult. He met this situation vigorously and dealt with it efficiently. You are well aware of his achievement on the Menominee.

In the face of serious local opposition, and burdened by the care of over forty million feet of logs cut by the Indian Office without provision for their transport or manufacture, Mr. Braniff has built in record time a large modern sawmill, a town to shelter the employees, has improved streams, driven and sawed logs, and sold the lumber. He has done, in all respects, his utmost to save the Indian Office from the results of its own mistakes.

You have been repeatedly advised of the progress of the work and have yourself visited it, and you have repeatedly expressed to me and to Mr. Price your satisfaction with the conduct of the lumbering on the Menominee by Mr. Braniff. Neither Mr. Braniff nor I have been informed as to what irregularities have so suddenly changed your opinion, and we are not yet in a position to discuss them. Your letter says that you knew of these irregularities before the arrival of the Senate committee. Not a single instance of misconduct or unbusinesslike action on the part of Mr. Braniff has developed before the Senate committee. While a witness before the committee Mr. Braniff frankly stated his opinion of the conduct by your office of affairs on the Menominee and demanded more promptness and efficiency from your office as the only condition under which he would consent to stay. Your three representatives made no attempt to defend the conduct of your office, and Mr. Braniff's protests still remain unanswered.

Mr. Braniff wrote you a letter on August 28, after the termination of the cooperative agreement, calling your attention very strongly to many delinquencies in the Indian Office in handling matters on the Menominee. This letter was written frankly, on the basis of a mutual understanding between you and him that you would give Menominee matters prompt and personal attention. The letter asked for greater promptness and efficiency in the handling of these matters in Washington, and stated fully the reasons for making the appeal. You did not grant the chief requests made, despite their urgency, nor even reply to them or to the letter as a whole. But you did send Mr. J. A. Carroll, of your office, to Neopit to replace Mr. Braniff, who was instructed that all matters would have to pass through Mr. Carroll's hands. Not having obtained relief, Mr. Braniff again wrote you on September 29 a letter reciting the entire situation and pointing out the mistakes of the Indian Office in the past on the Menominee as the best means of illustrating the consequences of its present procedure. He con-

cluded by asking you to change past methods and give him the authority that would enable him to carry on the work, or to accept his resignation. The answer was a letter from you informing Mr. Braniff that he would soon be summoned to Washington to explain the statements made in his letter. In the meantime, urgent matters to which Mr. Braniff had called your attention were not acted upon. Next came a request by telegraph, through Mr. Carroll, for Mr. Braniff's resignation. He had already offered it, to take effect unless he could get action from the Indian Office. You have chosen to accept it. He tendered it under circumstances certainly in no way discreditable to him.

Very sincerely, yours,

GIFFORD PINCHOT, *Forester.*

It is apparent, therefore, that my work in the Menominee has always had and continues to have the approval of the Forest Service. The letter from the Forester has, so far as I am informed, never received a reply.

Mr. Valentine had not expressed to me any dissatisfaction with the conduct of my work, nor had he told me he had addressed his letter of October 13 to the Forester. When I learned of this, I wrote him on October 26 for an explanation. My letter follows:

NEOPIT, Wis., October 26, 1909.

The COMMISSIONER OF INDIAN AFFAIRS  
(Through Mr. J. A. Carroll),  
*Washington, D. C.*

SIR: A letter from you to the Forester, of date October 13, concerning the termination of my employment in the Indian Service, has just come to my knowledge. In this letter you tell the Forester that I am "grossly unbusinesslike," that I am "unfit for my task," and that my resignation was asked for "on the basis of facts before you."

As for your asking for my resignation, that was unnecessary, since I wrote you on September 29 stating that I desired to tender my resignation unless the Indian Office consented to revise radically its methods, on the basis of whether the office would meet what I considered the requirements of the situation or whether it would not. You

decided against me, and consequently I am to retire from this work November 1. 4833 But you have never, from the inception of this work, expressed to me any dissatisfaction with my administration, and I am wholly unprepared for such drastic criticisms, written without notice to me, to my former employer, the Forestry

You will, I am confident, do me the courtesy to state in what particular respect I have been "grossly unbusinesslike," and what act or acts of mine, or what idiosyncrasies of character have made me "unfit for my task." What are the "data in the office" that have impelled you to attack my record? I have made mistakes. A few things have been done by me which in the light of the present I might better have done differently or not done at all. But, on the whole, I believe that I have been efficient and that the terms with which you characterize me are unwarranted, unfair, and ungenerous. My long and arduous services in behalf of your office and my accomplishments on the Menominee entitle me to the information which I have asked you for.

Respectfully,

EDWARD A. BRANIFF,  
*Indian Forester.*

The only satisfaction I received was the following communication:

E. A. BRANIFF, Esq.,  
*Indian Forester, Neopit, Wis.*

SIR: I have your letter of October 26. As for my asking for your resignation, those are your own words; the record, beginning with your conditional resignation in your letter of September 29, speaks for itself.

The particular respect in which I considered you to have been grossly unbusinesslike and which, in my judgment, made you unfit for your task is expressed in the tone of your letters of August 28 and September 29. I limited what are now called my "charges" to your letters, as they were "data in the office" and "facts before me." As to broader questions or the conduct of your work locally I was not passing judgment. The tone of your letters alone made me feel that I was doing what was best for the service in accepting your resignation. I have in no sense lost sight of your many abilities, your courage, or your very unusual resourcefulness, all of which I admire.

Sincerely, yours,

R. G. VALENTINE,  
*Commissioner.*

EDWARD A. BRANIFF.

Sworn to before me this 26th day of May, 1910.

MINNIE E. ARCHER,  
*Notary Public, Kings County (No. 35),  
Certificate filed in New York County.*

## EXHIBIT A.—Accompanying statement of E. A. Braniff.

[Subject: Logging operations, Windfall district, Menominee Reservation, Wis.]

PHILLIPS, Wis., November 5, 1907.

HONORABLE COMMISSIONER OF INDIAN AFFAIRS,  
Washington, D. C.

SIR: I have just finished an examination of the logging operations on the Windfall district of the Menominee Reservation, and beg leave to submit the following report:

Logging operations have been going on for over four weeks. The amount of timber cut and skidded to date is nearly 2,000,000 feet. Most of this has been cut by six or seven contractors; the others are just getting started—are completing the building of their logging camps.

Considerable good green timber, not covered by contracts, have been cut at some of the camps, and especially by contractors Jerry Ragen, and Cota & Raba. At these camps fully one-third of the timber cut has been in violation of contract, for it is strictly green timber. At these camps and several others considerable good timber has been left in the tops and other parts of the trees, and certain strictly dead and down timber has been left, which should have been cut first.

At the camp of one Pete Lamote, an Indian, and a member of the business committee, only a small amount of timber has been cut and skidded, although this camp has been established over a month. Considerable liquor has been drank at this camp, and over three weeks ago Mr. Lamote and the entire crew got beastly drunk, and it was necessary for the two women cooks to leave for safety, and they have not returned.

Mr. Lamote has several times since been under the influence of liquor, and more 4834 or less drinking has taken place at the camp. Recently he engaged a white foreman and now has only three Indian laborers, and conditions are much improved.

The cuttings at several other camps, while not in the best of shape, are about as good as can be expected on the start. When I arrived the timber at every camp was being scaled together, without regard to the kind—that is, the amount of all the logs was shown by the scale, but not the amount of hemlock, birch, maple, basswood, elm, pine, and other species of timber, separately.

The logs were being marked with a stamp hammer, but contractors would have several different hammers, some of which were being used by other contractors. The superintendent of logging did not consider it necessary to mark the logs, and suggested that it be not required.

I discussed with the superintendent of logging certain changes which should be made, and certain things which he should require in order to improve conditions and bring about a full compliance with the contract and rules and regulations, and I feel reasonably certain he will soon have the situation in better shape, for he appeared anxious and willing to follow my suggestions. I also feel very sure that if he could start over again, commencing at the time he made the first logging contract, he would have much less connection with the business committee and certain of its members, and would make entirely different arrangements on certain matters to which it is my duty to invite attention before closing this report.

I suggested and instructed the superintendent of logging that the different species of timber be scaled, separate; this is the usual way, and can be followed in this case without increasing the expense. It makes more work for the scalers, but the scalers and the tallymen get the same wages (which is not right), and two scalers instead of a scaler and a tallyman can be engaged if necessary, but it will not be necessary.

It is very important to know the amount of each kind of timber, for it is more expensive to log and manufacture certain kinds, and there is a great difference in the value of the lumber. This information will assist in determining the prices for sawing in the different mills, and will be a check on the mill scales, and, in cases where the logs are banked in the river, will show the amount of logs of each variety that will float, and many other things. This statement, in connection with the copy of my letter to the superintendent of logging, which is herewith inclosed, will give the office a general idea of the works.

Mr. Peter Lamote and three other Indians are the only Indians who even pretend to take part in the logging operations, and if they continue in charge, which is very doubtful, the work will be managed by white men. Mr. Lamote is not responsible, and known to be drunk most of the time, when he has money, and should not be given a contract. But the fact seems to be that he, and certain other members of the business committee, have been able to get most anything they desire. The contract of Mr. Lamote covers the timber on section 31. The mill site is located near the corner. His camp is on a good road, within 2 miles of Phlox, where there are several saloons. He gets \$6.75 for banking the timber, and his haul will not average over one-half mile. If given a contract at all, he should have been located as far from liquor as possible.



The superintendent of logging estimates the number of men in all the camps at 250, and that 1 out of every 10 are Indians, making the entire number of Indian laborers 25, and he said he expected they would soon go. From my examination I think his statement is about right, although I did not find that many.

This leaves the Indian question as follows: Indian laborers, 25; liable to leave at any time. Indian contractors taking part in the works, 4. One has frequently violated his contract by getting drunk, and on one occasion the entire crew were intoxicated, and the logging is now in charge of a white foreman. The other 3 have not finished building their camps, and the logging in two of these cases will be in charge of white men.

Relative to driving the logs, I must repeat what I have frequently said in former reports, which was that all this timber will not float, and can not be successfully driven any great distance. The only hope of avoiding a great loss in driving this timber is that the distance to the mill is very short, the water rapid and not deep, and that the drive may be made in a few days. This, however, can not be accomplished under present conditions, for the contracts provide that every contractor will deliver his logs at the mill. Several of the contractors are banking the logs in the same stream. If each contractor should undertake to deliver his own logs, the result would be that a large part of the timber would never reach the mill, as it would sink before it got there. Some arrangement must be made so one or two will be able to drive all the logs on each stream, and I will gladly assist in bringing this about. The driving of this timber is now a very important and serious matter. The contracts require that the logs be delivered at a certain mill, and also provide that the contractors will haul the logs to the mill or stream designated by the superintendent of logging.

4835 The superintendent of logging has instructed every contractor where to bank his logs on the stream, and the contract calls for their delivery at the mill. What if part of the logs will not float?

Another feature worthy of consideration, based on the estimate of the superintendent of logging, that there will be delivered by water this season at the big mill fifteen or twenty million feet of logs, is that this amount of timber will fill the river, and flowage for 2 or 3 miles back from the mill, and no argument will be offered that most of the hard-wood timber will not sink while waiting to be sawed.

The rules and regulations provide that contracts may be entered into with any Menominee Indian or white man who may be properly qualified and equipped to carry out such an agreement, and that every contractor must guarantee to deliver to the mill or stream the amount of logs specified in the contract, etc. Under these regulations contracts can only be entered into with qualified and responsible persons. And even without this requirement it would be improper and unfair to act otherwise.

The regulations also provide that the price to be paid for cutting and hauling this timber shall not exceed \$7, and that the distance to be hauled, etc., will be considered in determining the price in each contract. I assisted in drafting the rules and regulations, and the limit price was fixed at \$7, with the understanding that all the blown-down timber on the district would be taken, which would make it necessary to haul some of the timber 5 and 6 miles to the mills; and it would be worth \$7 to haul this distance, as it is very expensive making and keeping up the logging roads through a thickly covered hard-wood country. But the haul for the balance of the timber would be very short and would cost much less than \$7, and the average price for all should not exceed \$6. It was not the intention at that time to undertake to drive the timber.

This plan has now been changed, and over one-half of the timber will be banked on the streams and the balance at the two mills, and not to exceed two-thirds of the blown-down district will be covered. All this greatly reduced the distance the timber is to be hauled. The contracts will show that the distance the timber must be hauled will not average over 1 mile, and the prices are fixed at \$6.75 and \$7, and the cost will be \$7 a thousand when the sum advanced for improving the stream, etc., is charged to the logging, which it should be; and before all the logs are driven and sawed there will be a considerable loss by logs sinking, which can be figured later on.

A fair price for logging this timber would be \$5.50, and not to exceed \$6. Every white man, in order to get a contract, is required to take one, two, or three Indians as partners. These Indians are not qualified or responsible and do not pretend to be, and no such claim will be advanced by anyone. They do not furnish any money, supplies, or equipment, and do not take part in the management, or even stay or work in the camps.

No responsible white man would think of taking a contract to bank about 1,000,000 feet without feeling almost certain that he could clear at least \$1 a thousand—for otherwise he could not furnish equipment and spend from four to six months in the woods for less—and they usually expect to make considerably more. If the contractor is forced to take an Indian partner, or partners, who do not assist in any way,

and only take part to the extent of taking one-half of the profit, the contractor must have the contract price increased enough above what it should be to pay his Indian partners what is necessary for doing nothing. And this must come out of the tribe.

To make this clear, and to show just what it means, I will say that if 25,000,000 feet is banked this winter, the tribe will have to pay these Indians for nothing, who appear on the contracts with white men, about \$18,750, being 75 cents per thousand.

I did not find a white contractor who did not say that he would take the contract for 75 cents to \$1 less per thousand without the Indian partners. I will take the case of L. F. La May; his contract covers the north half of section 10. Price, \$6.75 per thousand; Indian partners, Louis and Peter Tucker. This contract will cut out over a million feet. The Tuckers do not furnish anything or take part whatever. This timber should be banked at a cost of less than \$5 per thousand. This will give the Tuckers about \$1,000, which will come out of the tribe; Mr. La May said he would prefer to take the contract alone at \$6, or even less, and would have done so if he did not have to take Indian partners. This case is a fair sample of all the others.

I will mention the circumstances connected with entering into a contract when I was there, which will assist in getting the practices and conditions clearly before the office. The contract had been signed in blank by Mose Tucker, president of the business committee. A white man from Antigo came to get a contract; the price was fixed at \$7 per thousand; he was required to take two Indians as partners; they could not speak English or write, and do not know as much about logging as I do about running an airship. This white man did not know me or my business. I asked him in the presence of the government clerk, who was drawing up the contract, why he

took the two Indians as partners; he replied that he had to in order to get a 4836 contract. I asked him if they would help furnish the supplies, equipment, etc., and take part in the management or work at the camp. He said they would not, and that he would like very much to get the contract at \$6 a thousand without them.

In three or four cases Indians have contracts alone. In two of these cases white men have arranged to do the logging, and it is safe to say that the others will be handled in the same manner, and the Indians will be settled with on the partnership plan.

Nine or ten members of the business committee have contracts, or partnerships in them. Mose Tucker, president of the business committee, and "party of the first part" in all contracts, has one himself, and three of his relatives are partners in the others. Pete Lamote, a member of the committee, has a contract and his relative has a partnership in another. Tom La Belle and Louis Keshena, members of the business committee, occupy exactly the same position.

Before closing, I desire to say that the price for logging will average at least \$1 per thousand more than it should; that it is a grave question, whether members of the business committee have a right to enter into contracts with themselves; that, in my opinion, it is contrary to the act, rules and regulations, and justice to require the Menominee tribe of Indians to pay from 75 cents to \$1 per thousand more for banking this timber than is reasonable or necessary under any conditions, and for the sole purpose of donating this sum to a few individual Indians for nothing. This condition simply means that if 20,000,000 feet are banked this season at least \$15 must be given to a few Indians, without any consideration in return, and the same percentage will apply if the amount is larger.

The law, rules and regulations and authority and instructions, so far as I know, do not permit the payment of a single dollar to any Indian or white man on a logging contract who is not properly equipped and qualified, and certainly not where they do not have anything to do with the logging whatever.

No more contracts should be approved under present conditions, and, further, it will be too late to saw and skid the strictly down timber before the snow and frost, and it is not practicable to do this work after.

The policy of having the responsible persons take Indian partners to get contracts will cost the tribe not less than fifteen to twenty thousand dollars this season, estimating the amount to be banked at twenty million. It will also cause an unlimited amount of trouble in settling the contracts. The white man will be entitled to wages for himself and teams and pay for the use of his equipment, and will naturally place the value as high as possible, in order to reduce the profits which he must divide with his partner, who has not taken any part whatever. If, in dividing the profits, these Indians get considerable money, the tribe will be ugly, and will make trouble about it; if the settlements are figured out so that they do not get what they expect, they will make trouble.

It must be known to the office that the business committee is not reliable, and in most cases does not stand for the interest of the tribe, and is controlled by three or four of the most undesirable Indians on the reservation. The office will remember that the Indians favored the Brown bill, but that these certain members of the com-

mittee succeeded in getting a resolution, and appeared before Senator La Follette and got the Brown bill changed and the cutting of the green timber stricken out. And after the bill became a law, these same members drafted rules and regulations calling for the cutting of all the timber and placed the price for logging at \$9 and the amount that one contractor could get at 4,000,000 feet. They did this for the sole purpose of taking contracts themselves, for eight or nine dollars, and subcontracting with white men at about \$5, thereby realizing ten or twelve thousand dollars, without doing anything. Failing in this, the partnership plan was created as the next best thing.

In this they have been partly successful, and a few other Indians have taken advantage of the conditions. In my opinion, the superintendent of logging has not been as firm as he should be, but I appreciate the fact that the operations were somewhat large and complicated for a man of his experience and that certain members of the committee were able to convince him that they could secure, through the committee, certain things that he desired, which he had a perfect right to make an effort to get. However, I feel entirely satisfied that he has a better understanding of the business committee and the situation, and I know he appears very willing and anxious to have my advice and assistance, which I will gladly give him.

Within a day or two I will furnish a report relative to logging operations on this reservation, under the act of June 12, 1890, and will inclose a map covering all operations on this reservation.

All of which is respectfully submitted.

I have the honor to remain, yours, truly,

(Signed) J. R. FARR,  
General Superintendent of Logging.

4837

EXHIBIT B.—Accompanying statement of E. A. Braniff.

(Subject: Logging operations, blown-down district, Menominee Reservation, Wis.)

PHILLIPS, Wis., March 3, 1908.

HONORABLE COMMISSIONER OF INDIAN AFFAIRS,  
Washington, D. C.

SIR: Relative to logging operations on the blown-down district of the Menominee Reservation, I beg leave to submit the following report: I have just finished a six days' examination of the work. Four days of this time I had a team and driver, which saved considerable time.

Taking the operations as a whole, they are the worst I have examined since my investigation in Minnesota in 1901. The contract, rules, and regulations have been violated in many respects. In many instances only the best of the blown-down timber has been cut, and then only one or two logs taken from a tree. Fully one-half of the blown-down timber has been left in trees undisturbed and parts of trees. The rule requiring that all merchantable timber be taken down to 6 inches at the top has been entirely ignored. The diameter at the top will run from 10 to 12 inches and upward and average about 12 inches. A large amount of live timber which was standing has been taken, and, with a few exceptions, considerable of this class of timber has been cut by every contractor. The cutting of this class of timber will account for a considerable portion of the increase in the blown-down timber over the amount shown by the estimate of the superintendent of logging made during the time he was government cruiser.

The blown-down timber on the lands actually cut over has not been properly cleaned up and a great waste will result. Nearly every contractor has extended operations over the entire areas covered by his contract instead of being required to clean up the parts cut over and leave the balance unmolested for a future operation. A considerable portion of the timber which should have been cut has been left, for the reason that it died at the time of the storm or shortly before, and is more defective and expensive to log than the timber that have recently died or is still living. In other words, the defective portions of the blown-down timber have largely been left, notwithstanding that this is the class of timber specifically covered by the law, rules, and contract and considered at the time of making the estimate.

The blown-down timber which should have been cut and has been left on the parts of the operations which are claimed to be cut clean, and the live timber cut in violation of the law and contract, is not a question of a few thousand feet or even a few hundred feet, but will amount to several millions. I stand ready to substantiate this statement, and as an instance of the conditions I can in a very short time and

within a short distance from the government office show anyone several hundred live trees which have been openly cut in violation of contract, and on the same ground a large amount of blown-down timber remains which should have been cut; also hundreds of trees can be found cut at a diameter of 12 inches at the top and upward, leaving parts of the tree which should have been taken ranging from 4 to 30 feet and over in length. The maple and birch is naturally the more expensive class of timber to log and naturally more rough and defective than the other timber, and only a small portion of these two varieties have been taken and the balance has been left and will be a total loss.

At some of the works I found the sawyers actually engaged in cutting live timber. This will indicate the true situation, for anyone must admit they were not cutting this timber for my special benefit. This cutting of live timber in violation of contract has been going on in most of the operations. I do not mean a tree now and then in a secret way, but openly, and this condition is well known, for it is impossible to reach some of the camps by logging roads or otherwise or to drive over the reservation on the regular road without seeing where considerable live timber has been cut in violation of contract. In some of the cuttings the percentage is so large and the evidence so plain that the contractors will not even pretend that they have not cut live timber, but in a few cases they say that they supposed they had a right to cut live trees which had been injured and were defective, and that no objections had been made.

The blown-down timber covered by contract which has been left on the lands actually cut over in parts of trees and trees not touched will amount to not less than 5,000,000 feet, and may reach 10,000,000. The amount of live timber cut will be very large. As an instance of this, I found on one contract in less than a day's examinations about 400 live trees which had been cut. If the live timber cut in violation of contract is honestly scaled up and the blown-down timber left on the lands cut over is measured up as close as the scaled made on the "Coueray" two years ago under Mr. Griffith, state forester, I will place the amount at not less than 12,000,000 feet, and in my judgment it will be considerable more. The estimates I am giving are in my judgment 4838 very low, but the amounts of timber as shown by them are sufficiently large to justify action. I stand ready to prove these estimates, but I want it understood that it is my judgment that the amount of timber in question will greatly exceed the estimates given. In this connection I desire to say that if the conditions of these operations as shown by this and my former reports are to be determined and decided on the representations of the superintendent of logging, the contractors, and business committee—all interested parties—I prefer that no action be taken based on this report, for the reason that if conditions are about as I say the superintendent of logging has failed to perform his duty, if not worse. The business committee occupy about the same position. It is party of the first part in all contracts and certain of its members and their relatives are party of the second part in some of them. The other contractors are all interested, and will naturally join with the business committee and superintendent of logging in representing that the contract has been fully complied with. Contractors can always be relied upon in violations of this kind to insist that the work has been properly performed, that the contract is difficult to carry out, and the price is too low, no matter how high it may be.

It is the intention of this report to inform the office as nearly as possible of the true condition of logging operations, and it is made because it is my official duty; otherwise I would prefer not to make such reports, for it is very disagreeable to me to displease and antagonize the members of the business committee, the numerous contractors, some of whom I have been on friendly terms with for many years, and the local manager, if nothing is to be accomplished, and such open violation of contracts and waste of timber by leaving and improperly cutting the blown-down timber and cutting live timber in violation of contract is not permitted, if the parties interested and responsible will defend the conditions of the representations. This is why earlier in this report I request that no action be taken, as it is along the lines that will be effective and result in justice being accorded to the Government and Menominee tribe of Indians. If the office desires to select the parties who made the scale under Mr. Griffith on the "Coueray" Reservation, located east of Hayward, Wis., two years ago—they are competent men and have worked on the reservations for years—I will deposit a sum sufficient to pay the expense if conditions are not substantially as set forth in this report.

In considering this question reference should be made to the contract, law, rules, and regulations. The contract provides, and also the law, that only the dead and down timber shall be cut, and that all of this class of timber shall be cut clean, and that precautions must be taken to not even damage the live timber; that at the conclusion of the contract all dead and down merchantable logs left in the woods shall be scaled and their contents deducted from the total amount delivered. The contract

also provides that on the failure on the part of any contractor to fully comply with the contract the superintendent may make any arrangements he deems necessary to bank the timber covered by the contract.

The superintendent of logging by the contract and rules is vested with full power to limit the amount any contractor shall cut to the amount specified in the contract. The rules provide that the down timber shall be cut down to a diameter of 6 inches at the small end. Under the law and contract no live timber can be cut. Rule 8 of the rules and regulations, which requires that lodged trees shall be cut, makes it necessary at times to cut live trees in order to fell the lodged ones. This is the only case where the cutting of a live tree is allowable, and this is not in strict harmony with the law.

In my examination I find a large amount of logs scaled on the skids in the woods located from a half a mile to a mile and a half from the landings, and in many cases they will have to pass over logging roads which have not been properly graded, and in many cases the chances are more than even that a portion of these logs will never be delivered, as two or three warm days will make the roads impassable, and, in fact, that they are passable at the present time is entirely due to the unusual continuance of the snow and cold weather. The contractors should have been required to stop cutting and deliver these logs several weeks ago. It is difficult for the office to determine what portion of the logs still remains in the woods. The scale reports show about 35,000,000 feet, but the logs having been scaled on the skids in the woods, there is no accuracy to determine what amount has actually been delivered. In my examination I found in most cases the amount still on the skids to range from one-fourth to one-half. The contracts should not be settled until it is known that all the logs have been banked, and if not, arrange to determine what amount remains in the woods. This will make it necessary to rescale all logs not delivered and deduct this amount, from the total scale of the contract. I earnestly urge that this feature of the report be kept in mind; otherwise it may be recalled when too late.

As stated in my report of November 5, 1907, the law and rules were violated in letting the contracts. The rules provide that any Menominee Indian or white

4839 man who may be properly qualified and equipped may be given a contract. Contracts were entered into with irresponsible and not qualified and equipped persons, both white and Indian. Any responsible white man desiring a contract was required to take one or two Indian partners, who would not take any part or furnish any supplies nor assume any responsibilities, but in a case of profit would get their full share. This requirement on the start made it almost impossible to secure responsible white men. Prior to my report of November 5 certain Indians were given contracts with the understanding that the logs would be banked by white men. Later on an effort was made to change this, and apparently for the purpose of contradicting my report. Since the time I was there, prior to November 5, certain Indians have undertaken to bank their own logs. In most cases this plan has been a failure. Indian contract No. 29, to A. Stick and M. Pecore, the timber is being banked by Herman Fredenberg. Contract No. 23, to M. Tucker and J. A. Goodyear, is being carried on by C. Anderson, and also contract No. 37, to Mose Tucker and J. Brooks.

Contract No. 24, to George Neocish, covers only one state forty. I believe the Indian is banking the timber himself; I did not visit the works. Contract No. 7 to Pete Lamote, has been turned over to August Anderson, of Shawano. This is the man who purchased the logs cut with the pulp wood near Keshena. Indian contract No. 5, to Joe Deere, has been managed by him through this foreman, and I believe has been fairly successful. Mr. Deere and his foreman have been considered competent loggers for several years. Indian contract No. 11, Peter Konaha, has been in charge of this Indian until during the time of my investigation, when a white foreman took charge. The amount of work accomplished up to that time was very small, the conditions of the operation bad; it is difficult to understand why the superintendent failed to change the contract or put some proper person in charge. Indian contract No. 30, J. Moon and J. Deere, has been conducted by Indians up until a short time ago, when the foreman finished the work at the other Deere camp and took charge. This operation is in bad shape and very little has been accomplished for the number of men employed. More or less liquor has been used at the camp and the work is way behind, conditions of the operation in bad shape, and it is a grave question if the new foreman can straighten matters out. Indian contract No. 15, to Joe Pecore, has been managed by him and the work is way behind and the conditions of the operations about the same as the others mentioned. Four Indians hold two contracts covering three-quarters of section 14. The amount of timber scaled is not large. I am informed that they all take part in the work, but I did not have time to make an examination. This leaves the Indian as contractors, about as follows: Joe Deere and one or two other contractors may be considered reasonably successful. In all other cases, the timber covered by

the Indian contracts is being banked by white men except in the two or three cases specifically mentioned, and the same arrangement should have been made in these cases.

On the subject of what is a fair price for this logging, I will call attention to the fact that Joe Deere, an Indian, has banked the timber covered by contract No. 4 at less than \$4 per M. J. J. Ragen will bank his timber at a cost of considerably less than \$4. Mr. Crooke, who assumed the contract for banking the timber on two sections covered by the contract given Mr. Cary, will bank the timber at a cost of not to exceed \$4, notwithstanding that he did not start in until December 1, and has one of the hardest contracts on the district. The contractors mentioned and others are equipped and qualified as required by the rule, and this is about what it costs to bank the timber where the rules have been followed.

The amount of timber estimated on the two sections being banked by Mr. Crooke was a million and a half, more or less. Mr. Crooke has already banked over 3,000,000 and informs me that he expects to increase the amount to 6,000,000. This will be an increase of three-fourths over the estimate, and the amount specified in the contract. Other contracts are very similar in this regard, which will fully explain why the stream is not large enough to handle the timber being banked in it.

That contracts were not entered into with responsible persons in accordance with the rules and regulations must be evident to anyone. It has been necessary to have the Pete La Mote contract taken away, for he was in no sense qualified and equipped and was in other ways entirely unfit to be given a contract, and this was well known to the business committee and superintendent of logging. The contract being banked by Mr. Crooke was originally entered with Mr. Cary, who was without equipment, money, or credit. Several of the other small contractors are in exactly the same condition, and besides, with very little experience, as will be clearly evident to anyone making examination of the work, and may result in a great loss to the tribe and Government for logs left on the skids in the woods and timber left and wasted, as they are not financially responsible, and owing to their lack of equipments, money, credit, and experience, may not have anything coming on the contract to pay for the damage and timber in question.

4840 I have endeavored to cover the more important features of this operation which the office should be familiar with in considering the entire subject and what action should be taken. I inclose herewith on separate sheet copy of memorandum made at the time of my examination of operations at the different works.

All of which is respectfully submitted.

I have the honor to remain, yours, truly,

(Signed) J. R. FARR,  
General Superintendent of Logging.

#### EXHIBIT C.—Accompanying statement of E. A. Braniff.

OCTOBER 23, 1909.

THE COMMISSIONER OF INDIAN AFFAIRS.

DEAR MR. VALENTINE: Your letter of October 13 is received, informing me that you have asked for the resignation of Mr. E. A. Braniff, who has had charge of lumbering operations on the Menominee Indian Reservation under the act of March 28, 1908. Your letter contains no statement of specific facts, but refers merely to "facts before me" and to "data in the office" as the basis for your opinion that Mr. Braniff's conduct is "grossly unbusinesslike" and he himself "unfit for his task."

These charges made against a man recently transferred to your office at your own request, and who from the first has been of marked benefit to your office, must be made specific. Without injustice to this service and to Mr. Braniff you can follow no other course. I await from you a definite statement of what action or inaction on the part of Mr. Braniff has led you to make these charges against him.

I call your attention in particular to Mr. Braniff's record.

In this connection with the Forest Service Mr. Braniff has steadily made good, although the greater portion of the work assigned to him was the first of its kind undertaken. He completed the full course at the Yale School of Forestry and graduated in 1903. He then entered the Forest Service, and for a year was engaged in examining forest lands in Minnesota, Washington, and Oregon. In 1904 he was engaged in a commercial tree study in the Southern Appalachians. He made an estimate of the standing timber in the State of Kentucky, by counties, and reported in detail on the market prices of lumber, cost of logging, logging methods, and commercial impor-

tance of the merchantable species of timber. Upon completing this work Mr. Braniff undertook a new mill study in which he determined the actual amount of lumber sawed from trees of different diameters. This work is embodied in Bulletin No. 73, Grades and Amount of Lumber Sawed from Yellow Poplar, Yellow Birch, Sugar Maple, and Beech. In the fall of 1905 he completed arrangements for making a detailed working plan upon 60,000 acres of land in South Carolina. In December of that year he resigned to take a position for the receivers of the Houston Oil Company of Texas, in which he protected the interests of the company in its contract with the Kirby Lumber Company for the sale of stumpage on more than 1,000,000 acres. This responsible but delicate position, requiring expert knowledge of lumbering, was so admirably filled by Mr. Braniff that his salary was increased from \$2,500 to \$4,000 within eighteen months. When the business depression of 1907 and 1908 came on, logging operations by the Kirby Lumber Company stopped and Mr. Braniff's services were no longer required. He then reentered the Forest Service and was assigned to work on Indian reservations in Wisconsin. The work on the Menominee, as you know, requires a man who is a forester as well as a lumberman. Mr. Braniff's experience therefore had peculiarly qualified him for the Menominee work.

When Mr. Braniff undertook the handling of lumbering on the Menominee, the results of past incompetence in all phases of woods work made his task excessively difficult. He met this situation vigorously and dealt with it efficiently. You are well aware of his achievement on the Menominee.

In the face of serious local opposition, and burdened by the care of over 40,000,000 feet of logs cut by the Indian Office without provision for their transport or manufacture, Mr. Braniff has built in record time a large modern sawmill, a town to shelter the employees, has improved streams, driven and sawed logs, and sold the lumber. He has done, in all respects, his utmost to save the Indian Office from the results of its own mistakes.

You have been repeatedly advised of the progress of the work and have yourself visited it, and you have repeatedly expressed to me and to Mr. Price your satisfaction with the conduct of the lumbering on the Menominee by Mr. Braniff. Neither Mr. Braniff nor I have been informed as to what irregularities have so suddenly changed your opinion, and we are not yet in a position to discuss them. Your letter says  
4941 that you knew of these irregularities before the arrival of the Senate committee.

Not a single instance of misconduct or unbusinesslike action on the part of Mr. Braniff has developed before the Senate committee. While a witness before the committee, Mr. Braniff frankly stated his opinion of the conduct by your office of affairs on the Menominee and demanded more promptness and efficiency from your office as the only condition under which he would consent to stay. Your three representatives made no attempt to defend the conduct of your office, and Mr. Braniff's protests still remain unanswered.

Mr. Braniff wrote you a letter on August 28, after the termination of the cooperative agreement, calling your attention very strongly to many delinquencies in the Indian Office in handling matters on the Menominee. This letter was written frankly, on the basis of a mutual understanding between you and him that you would give Menominee matters prompt and personal attention. The letter asked for greater promptness and efficiency in the handling of these matters in Washington, and stated fully the reasons for making the appeal. You did not grant the chief requests made, despite their urgency, nor even reply to them or to the letter as a whole. But you did send Mr. J. A. Carroll, of your office, to Neopit to replace Mr. Braniff, who was instructed that all matters would have to pass through Mr. Carroll's hands. Not having obtained relief, Mr. Braniff again wrote you on September 29 a letter reciting the entire situation and pointing out the mistakes of the Indian Office in the past on the Menominee as the best means of illustrating the consequences of its present procedure. He concluded by asking you to change past methods and give him the authority that would enable him to carry on the work, or to accept his resignation. The answer was a letter from you informing Mr. Braniff that he would soon be summoned to Washington to explain the statements made in his letter. In the meantime, urgent matters to which Mr. Braniff had called your attention were not acted upon. Next came a request by telegraph, through Mr. Carroll, for Mr. Braniff's resignation. He had already offered it to take effect unless he could get action from the Indian Office. You have chosen to accept it. He tendered it under circumstances certainly in no way discreditable to him.

Very sincerely, yours,

(Signed)

GIFFORD PINCHOT, *Forester.*

## PART VIII.

### RECLAMATION SERVICE.

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#### Reclamation legislation and decisions construing same.

4232

[PUBLIC—No. 161.]

AN ACT Appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all moneys received from the sale and disposal of public lands in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming, beginning with the fiscal year ending June thirtieth, nineteen hundred and one, including the surplus of fees and commissions in excess of allowances to registers and receivers, and excepting the five per centum of the proceeds of the sales of public lands in the above States set aside by law for educational and other purposes, shall be, and the same are hereby, reserved, set aside, and appropriated as a special fund in the Treasury to be known as the "reclamation fund," to be used in the examination and survey for and the construction and maintenance of irrigation works for the storage, diversion, and development of waters for the reclamation of arid and semi-arid lands in the said States and Territories, and for the payment of all other expenditures provided for in this act: *Provided*, That in case the receipts from the sale and disposal of public lands other than those realized from the sale and disposal of lands referred to in this section are insufficient to meet the requirements for the support of agricultural colleges in the several States and Territories, under the act of August thirtieth, eighteen hundred and ninety, entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of Congress approved July second, eighteen hundred and sixty-two," the deficiency, if any, in the sum necessary for the support of the said colleges shall be provided for from any moneys in the Treasury not otherwise appropriated.

SEC. 2. That the Secretary of the Interior is hereby authorized and directed to make examinations and surveys for, and to locate and construct, as herein provided, irrigation works for the storage, diversion, and development of waters, including artesian wells, and to report to Congress at the beginning of each regular session as to the results of such examinations and surveys, giving estimates of cost of all contemplated works, the quantity and location of the lands which can be irrigated therefrom, and all facts relative to the practicability of each irrigation project; also the cost of works in process of construction as well as those which have been completed.

SEC. 3. That the Secretary of the Interior shall, before giving the public notice provided for in section four of this act, withdraw from public entry the lands required for any irrigation works contemplated under the provisions of this act, and shall restore to public entry any of the lands so withdrawn when, in his judgment, such lands are not required for the purposes of this act; and the Secretary of the Interior is hereby authorized, at or immediately prior to the time of beginning the surveys for any contemplated irrigation works, to withdraw from entry, except under the homestead laws, any public lands believed to be susceptible of irrigation from said works: *Provided*, That all lands entered and entries made under the homestead laws within areas so withdrawn during such withdrawal shall be subject to all the provisions, limitations, charges, terms, and conditions of this act; that said surveys shall be prosecuted diligently to completion, and upon the completion thereof, and of the necessary maps, plans, and estimates of cost, the Secretary of the Interior shall determine whether or not said project is practicable and advisable, and if determined to be impracticable or unadvisable he shall thereupon restore said lands to entry; that public lands which it is proposed to irrigate by means of any contemplated works



shall be subject to entry only under the provisions of the homestead laws in tracts of not less than forty nor more than one hundred and sixty acres, and shall be subject to the limitations, charges, terms, and conditions herein provided: *Provided*, That the commutation provisions of the homestead laws shall not apply to entries made under this act.

SEC. 4. That upon the determination by the Secretary of the Interior that any irrigation project is practicable, he may cause to be let contracts for the construction of the same in such portions or sections as it may be practicable to construct and complete as parts of the whole project, providing the necessary funds for such portions or sections are available in the reclamation fund, and thereupon he shall give public notice of the lands irrigable under such project, and limit of area per entry, which limit shall represent the acreage which, in the opinion of the Secretary, may be reasonably required for the support of a family upon the lands in question; also of the charges which shall be made per acre upon the said entries, and upon lands in private ownership which may be irrigated by the waters of the said irrigation project, and the number of annual installments, not exceeding ten, in which such charges shall be paid and the time when such payments shall commence. The said charges shall be determined with a view of returning to the reclamation fund the estimated cost of construction of the project, and shall be apportioned equitably: *Provided*, That in all construction work eight hours shall constitute a day's work, and no Mongolian labor shall be employed thereon.

SEC. 5. That the entryman upon lands to be irrigated by such works shall, in addition to compliance with the homestead laws, reclaim at least one-half of the total irrigable area of his entry for agricultural purposes, and before receiving patent for the lands covered by his entry shall pay to the Government the charges apportioned against such tract, as provided in section four. No right to the use of water for land in private ownership shall be sold for a tract exceeding one hundred and sixty acres to any one landowner, and no such sale shall be made to any landowner unless he be an actual bona fide resident on such land, or occupant thereof residing in the neighborhood of said land, and no such right shall permanently attach until all payments therefor are made. The annual installments shall be paid to the receiver of the local land office of the district in which the land is situated, and a failure to make any two payments when due shall render the entry subject to cancellation, with the forfeiture of all rights under this act, as well as of any moneys already paid thereon. All moneys received from the above sources shall be paid into the reclamation fund. Registers and receivers shall be allowed the usual commissions on all moneys paid for lands entered under this act.

SEC. 6. That the Secretary of the Interior is hereby authorized and directed to use the reclamation fund for the operation and maintenance of all reservoirs and irrigation works constructed under the provisions of this act: *Provided*, That when the payments required by this act are made for the major portion of the lands irrigated from the waters of any of the works herein provided for, then the management and operation of such irrigation works shall pass to the owners of the lands irrigated thereby, to be maintained at their expense under such form or organization and under such rules and regulations as may be acceptable to the Secretary of the Interior: *Provided*, That the title to and the management and operation of the reservoirs and the works necessary for their protection and operation shall remain in the Government until otherwise provided by Congress.

SEC. 7. That where in carrying out the provisions of this act it becomes necessary to acquire any rights or property, the Secretary of the Interior is hereby authorized to acquire the same for the United States by purchase or by condemnation under judicial process, and to pay from the reclamation fund the sums which may be needed for that purpose, and it shall be the duty of the Attorney-General of the United States upon every application of the Secretary of the Interior, under this act, to cause proceedings to be commenced for condemnation within thirty days from the receipt of the application at the Department of Justice.

SEC. 8. That nothing in this act shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with such laws, and nothing herein shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate stream or the waters thereof: *Provided*, That the right to the use of water acquired under the provisions of this act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of the right.

SEC. 9. That it is hereby declared to be the duty of the Secretary of the Interior in carrying out the provisions of this act, so far as the same may be practicable and sub-

ject to the existence of feasible irrigation projects, to expend the major portion of the funds arising from the sale of public lands within each State and Territory hereinbefore named for the benefit of arid and semiarid lands within the limits of such State or Territory: *Provided*, That the Secretary may temporarily use such portion of said funds for the benefit of arid or semiarid lands in any particular State or Territory hereinbefore named as he may deem advisable, but when so used the excess shall be restored to the fund as soon as practicable, to the end that ultimately, and in any event, within each ten-year period after the passage of this act, the expenditures for the benefit of the said States and Territories shall be equalized according to the proportions and subject to the conditions as to practicability and feasibility aforesaid.

SEC. 10. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

Approved June 17, 1902.

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AN ACT Relating to the construction of a dam and reservoir on the Rio Grande, in New Mexico, for the impounding of the flood waters of said river for the purpose of irrigation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the provisions of the reclamation act approved June seventeenth, nineteen hundred and two, shall be extended for the purposes of this act to the portion of the State of Texas bordering upon the Rio Grande which can be irrigated from a dam to be constructed near Engle, in the Territory of New Mexico, on the Rio Grande, to store the flood waters of that river; and if there shall be ascertained to be sufficient land in New Mexico and in Texas which can be supplied with the stored water at a cost which shall render the project feasible and return to the reclamation fund the cost of the enterprise, then the Secretary of the Interior may proceed with the work of constructing a dam on the Rio Grande as part of the general system of irrigation, should all other conditions as regards feasibility be found satisfactory. (33 Stat. L., 814.)

Approved February 25, 1905.

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AN ACT To extend the irrigation act to the State of Texas.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the provisions of the act entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June seventeenth, nineteen hundred and two, be, and the same are hereby, extended so as to include and apply to the State of Texas. (34 Stat. L., 259.)

Approved June 12, 1906.

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[Proviso of the act of March 4, 1907.]

3713 That the balance of the cost of said irrigation project over and above the amount herein appropriated shall be allotted by the Secretary of the Interior, as may be needed and as may be available from time to time, from the reclamation fund and collected from the settlers and owners of the land benefited under the provisions of the reclamation act approved June seventeenth, nineteen hundred and two and acts supplemental thereto or amendatory thereof. (34 Stat. L., 1357.)

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[Extract from report of chairman Committee on Arid Lands to House of Representatives, April 17, 1902.]

3704 The report made by Mr. Mondell, chairman Committee on Irrigation of Arid Lands, April 17, 1902, to the House (57th Cong.), among other things, says:

"Unlike a private owner, however, the Government, as a great landowner, is not primarily interested in the profits of the enterprise, but in having the lands settled and occupied in small tracts as homes, and can well forego any profit on the investment and be content with the return of the outlay. Its ownership of the major portion of the lands to be irrigated places it in a position which no private or corporate concern could under our land system occupy—of absolute control over the public lands which it is proposed to irrigate."

See Report No. 1468, April 7, 1902, House Reports, volume 6, Fifty-seventh Congress, first session, 1901-2 (No. 4404).

Mr. Mondell, chairman of the Irrigation Committee of the House, after the House had resolved itself into Committee of the Whole, took the floor and in an elaborate speech explained and supported the bill. (See p. 6674.) At page 6678 he said, among other things:

"Under nearly every project undertaken by the Government there will undoubtedly be some lands in private ownership; and it would be manifestly unjust and inequitable not to provide water for these lands, providing their owners are willing to comply with the conditions of the act."

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[Memorandum of authorities construing act of June 17, 1902 (reclamation act).]

3709 On August 30, 1904, Acting Secretary Ryan addressed a letter to the Director of the Geological Survey, which letter is set forth in volume 33 of the Land Decisions, beginning at page 202. In this letter the following language is used (see p. 204):

"But the primary object of the act of June 17, 1902, is the reclamation of the arid public lands. This important fact should be kept prominently in view in selecting sites for reservoirs to be constructed under said act, so as to avoid as far as possible any complications growing out of the private ownership of lands within the irrigable area and of rights to the use of the waters. It is probable, however, that no project undertaken under the reclamation act will find the field entirely free of individual interests, and hence it is important to devise some plan by which these interests may be brought in accord with the Government's plans in each instance. They should be so handled as to become elements of harmony and strength, rather than of discord and weakness, in the working out of the project."

In the Williston Land Company case, decided February 2, 1909 (37 L. D., 428), the following language is used by First Assistant Secretary Pierce:

"The evident policy of the act is to render the arid public lands capable of productive agriculture and to assure their disposal in small holdings as homes of a resident home-owning agricultural population. It was known and recognized in the act that pioneers had gone upon these fertile valley lands, reduced some of them to private ownership, and appropriated some of the available waters."

In *United States v. Burley et al.* (172 Federal Reporter, 615), decided March 29, 1909, by Judge Dietrich, United States district judge for the State of Idaho, the following language is used (see pp. 617-618):

"The precise point upon which defendant chiefly relies in urging that the proceeding is without authority of law is that one of the purposes for which the reservoir is to be used is the irrigation of lands which had passed into private ownership prior to the inception of the project. Whether or not, under the Constitution, Congress is without the power to authorize the expenditure of public money and the expropriation of private property for the irrigation of private lands exclusively, it is unnecessary at this time to inquire. As I view the act under which the plaintiff is proceeding, it was not intended thereby to confer upon the Secretary of the Interior such authority. At the time the act was passed the Government was the proprietor of boundless tracts of arid lands, practically worthless in their natural condition. The smaller, more accessible streams had been largely appropriated for the irrigation of private lands. Private capital had not to any considerable extent looked with approval upon the usually speculative and often perilous enterprise of lifting from the deep canyons, in which they not infrequently flow, the waters of the larger streams for the irrigation of great bodies of land, as yet either wholly unoccupied or at most but sparsely settled, and as a rule such lands would not be purchased or entered without some assurance of water for their future irrigation. Contemplating these conditions, Congress passed this act, primarily for the reclamation of these public lands. The Government, as a proprietor, was directly interested in a pecuniary way in improving and rendering marketable that for which in its natural condition there was neither use nor demand."

"But in carrying out this purpose it was foreseen that the administrative officers would encounter conditions where it would be both impracticable and unjust for them to proceed without the cooperation of private owners. Of any specified tract a considerable portion may have passed into private ownership before the law was enacted, or, after the enactment, before the land could be preliminarily withdrawn from entry. It might be impracticable for the Government to proceed to the irrigation of the residue of public land in such a tract, unassisted by private owners,

because of an inadequate acreage to justify the expense necessarily entailed by the magnitude of the enterprise. There would be no practicable relation between the cost of the project and the value of the lands owned by the Government when supplied with water for irrigation. And, if practicable for the Government to proceed alone, injustice might be done to private owners, where the aggregate of private lands is so small that an enterprise intended exclusively for their irrigation is not feasible. Generally speaking, the larger the area supplied the less the acreage charge for water; and hence as a usual thing it is highly desirable, and not infrequently absolutely essential to success, that all owners of lands embraced in the same general tract join in the construction and maintenance of the primary irrigation works. That the act clearly contemplates such cooperation between the Government and private owners is not open to discussion, and I am unable to yield to the view that Congress, by reason of any constitutional limitations, is precluded from authorizing such a sensible and necessary mode of procedure if the Government is to render available for use and marketable large tracts of its own land."

In the case of *Kansas v. Colorado* (206 U. S., 46) the opinion is as follows:

In this case the Government intervened. Mr. Justice Brewer rendered the opinion of the court. In referring to the Government's petition of intervention, he stated that it rested upon the Government's alleged duty of legislating for the reclamation of arid lands (see p. 86), and that the Government had "the right to make such legislative provision as in its judgment is needful for the reclamation of all these arid lands, and for that purpose to appropriate the accessible waters." (See p. 87.) Farther along on the same page, in referring to the Government's main proposition, the learned justice said:

"In other words, the determination of the rights of the two States inter sese in regard to the flow of waters in the Arkansas River is subordinate to a superior right on the part of the National Government to control the whole system of the reclamation of arid lands. That involves the question whether the reclamation of arid lands is one of the powers granted to the General Government."

The learned justice then discussed the question involved. Taking up the eighth section of the first article of the Constitution, which contains the enumeration of the powers granted to Congress, he stated, among other things (see p. 88):

"We must look beyond section 8 for congressional authority over arid lands, and it is said to be found in the second paragraph of section 3 of Article IV, reading: 'The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.'"

On page 89 the learned justice uses the following language in respect to said section 3 of Article IV, viz:

"But clearly it does not grant to Congress any legislative control over the States, and must, so far as they are concerned, be limited to authority over the property belonging to the United States within their limits."

The learned justice then takes up the tenth amendment to the Constitution and applying it to the argument of the Government's counsel, says, on page 90:

"This amendment, which was seemingly adopted with prescience of just such contention as the present, disclosed the widespread fear that the National Government might, under the pressure of a supposed general welfare, attempt to exercise powers which had not been granted."

On page 91 the learned justice quotes from the decision of the Supreme Court in the case of *Fairbank v. United States* (181 U. S., 283, 288), the last sentence of which quotation reads as follows:

"The true spirit of constitutional interpretation in both directions is to give full, liberal construction to the language, aiming ever to show fidelity to the spirit and purpose."

"This very matter of the reclamation of arid lands illustrates this: At the time of the adoption of the Constitution within the known and conceded limits of the United States there were no large tracts of arid land, and nothing which called for any further action than that which might be taken by the legislature of the State, in which any particular tract of such land was to be found, and the Constitution, therefore, makes no provision for a national control of the arid regions or their reclamation. But, as our national territory has been enlarged, we have within our borders extensive tracts of arid lands which ought to be reclaimed, and it may well be that no power is adequate for their reclamation other than that of the National Government. But if no such power has been granted, none can be exercised."

"It does not follow from this that the National Government is entirely powerless in respect to this matter. These arid lands are largely within the Territories, and over

them, by virtue of the second paragraph of section 3 of Article IV, heretofore quoted, or by virtue of the power vested in the National Government to acquire territory by treaties, Congress has full power of legislation, subject to no restrictions other than those expressly named in the Constitution, and, therefore, it may legislate in respect to all arid lands within their limits. As to those lands within the limits of the States, at least of the Western States, the National Government is the most considerable owner and has power to dispose of and make all needful rules and regulations respecting its property. We do not mean that its legislation can override state laws in respect to the general subject of reclamation. While arid land are to be found mainly, if not only, in the western and newer States, yet the powers of the National Government within the limits of those States are the same (no greater and no less) than those within the limits of the original thirteen, and it would be strange if, in the absence of a definite grant of power, the National Government could enter the territory of the States along the Atlantic and legislate in respect to improving by irrigation or otherwise the lands within their borders. Nor do we understand that hitherto Congress has acted in disregard to this limitation."

[United States v. Hanson (167 Fed. Rep., 881), circuit court of appeals; ninth circuit.]

In this case the defendant in error raised for the first time in the circuit court of appeals the question of the constitutionality of the reclamation act. He based his contention upon four grounds, the first of which reads (see p. 883): "That the work to be done and the expenditures to be made under it are not public and governmental in character and are not within the limited powers belonging to the Federal Government." The second ground was as follows:

"Conceding that the Government has the power to pass such an act affecting public lands in a Territory, it has not such power as to lands within the States or in any localities where there are no government lands."

The court held that the act was a valid exercise of the power conferred by the Constitution upon Congress by virtue of section 3 of Article IV, and in this connection said (see p. 883):

"In pursuance of that power, Congress passed the reclamation act to make marketable and habitable large areas of desert land within the public domain, which lands are valueless and uninhabitable unless reclaimed by irrigation, and the irrigation whereof is impracticable except upon expenditure of large sums of money in the construction of a system of reservoirs and distributing canals."

The court then refers to the previous acts of Congress which were passed for the purpose of making available for settlement the arid public lands, and in this connection uses the following language:

"These efforts having failed to accomplish the desired end, the reclamation act was passed. Congress, being the owner of the lands and vested with unlimited authority over the same, as it has been held by numerous decisions of the Supreme Court, had unquestionably the right to expend money thereon for their improvement. It has always exercised the right to expend money in causing surveys of the public lands to be made, and in providing for the protection of the public lands. Nor do we discover any ground for holding that its power over the public lands within a State stands upon any different basis from that of its power over public lands in a Territory. Although the Government on admitting a State into the Union relinquishes its control of the disposition of the waters of the State, except in so far as the regulation of commerce is concerned, it relinquishes none of its rights over the public lands included within the territorial limits of the State. The Government is still sovereign over such lands, and, in the nature of things, so long as it does not interfere with state legislation over waters of the State it must have the same power to improve, protect, and offer for settlement or sale the public lands within a Territory. The power of Congress to govern the Territories has nothing to do with this power over the public lands."

## Cooperative certificates, Reclamation Service.

3064

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
Washington, D. C., February 24, 1908.

MEESRS. JAMES B. POWERS, E. J. PATCH, and A. R. WHITE,  
Committee, Weiser, Idaho.

GENTLEMEN: I am in receipt of your letter, not dated, transmitting a petition of a number of landholders in Malheur County, Oreg., asking that this department consider the feasibility of constructing that part of the Malheur project lying on the north and west sides of the Malheur River and in the valley of Snake River.

The condition of the reclamation fund will not admit of taking up more work at the present time, or until many details now in hand are more nearly completed. I shall bear in mind this portion of the former Malheur project, and if in the future it should become practicable, the question of taking up such a project will be carefully considered.

This same petition has reached me through a number of different channels and replies have been prepared in general that the matter will be referred to our engineers in the field for further advice, although, as above stated, the money available will not justify our taking up new work in the near future. It is not necessary to send a large number of these petitions to government officials, as equal attention will be given to one letter as to a dozen; in fact, I think that it is somewhat of an annoyance to a busy man to be asked to look after certain details and then find that some one else has been asked to attend to the same matter. He naturally feels that he is not being treated fairly.

If, therefore, for reasons of your own, you choose to send the same request to a number of different persons, I suggest that you notify each man as to whom you have sent the paper, so that all may not waste time and energy in following the matter up.

Very truly, yours,

F. H. NEWELL, *Director.*

3063

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
OFFICE OF THE DIRECTOR,  
Washington, D. C., May 5, 1909.

The SECRETARY OF THE INTERIOR.

SIR: In accordance with your request to submit recommendation regarding the feasibility of proceeding with the construction of the irrigation project in Grand Valley in the neighborhood of Grand Junction, I beg leave to submit the following for your consideration.

In another letter of even date the various steps in connection with this project are set forth and the dates are given.

Preliminary surveys in this valley were made in 1903, and a board of engineers on examination reported a feasible project and recommended further surveys. Owing to a desire of a portion of the landowners to construct this project under the district system no further surveys were made at that time.

In 1908, after many unsuccessful attempts to construct the project by private or district enterprise, an appeal was made to the Reclamation Service to take up the project, and surveys were made which have demonstrated beyond question the financial feasibility of the project.

No other point is known in the reclamation States where an irrigation project presents more favorable features from a physical point of view, and it is believed that money invested under the provisions of the reclamation act would be returned with a promptness and certainty not surpassed under any project.

The alleged desire of certain private interests to now construct the project is disputed by their long neglect to do so, and there is practically no desire on the part of the landowners to have it done in this manner. They have, with practical unanimity, expressed a preference to wait several years and have the project carried out by the Reclamation Service.

From every point of view the project is a very feasible and desirable one to carry out under the provisions of the reclamation act. The one tangible objection to undertaking it is a very strong one, namely, the lack of funds. The number and magnitude of the projects already taken up will absorb the available funds for some time to come.

There is nothing in the present situation, however, that requires any large investment of funds until they are conveniently available in the reclamation fund, and

however this may be, it appears that the department is definitely committed by the contract of February 25 to allot and expend a sum equal to that raised by the local association up to the limit of \$125,000.

It is respectfully recommended that in view of the said contract the work of construction and the acquisition of right of way, as authorized by the department on March 27, be resumed.

Very respectfully,

A. P. DAVIS, *Acting Director.*

3671

THE SECRETARY OF THE INTERIOR,  
*Washington, D. C., May 18, 1909.*

MY DEAR MR. WICKERSHAM: I herewith hand you, pursuant to the direction of the President at Cabinet meeting Friday last, a summary of facts and a statement of the question which I would like to have answered by you in order to enable me to proceed safely within the law on the Grand Junction irrigation project, as well as others which are now in progress of construction. These questions involve essential administrative features, and are of urgent importance at this particular moment.

I would appreciate a speedy disposition of these questions by your office, as great pressure is being made upon me to act under this Grand Valley contract, and I am holding an inspector in readiness to proceed to the field, in view of your answers to these questions.

Yours, very respectfully,

R. A. BALLINGER, *Secretary.*

HON. GEO. W. WICKERSHAM,  
*The Attorney-General.*

1566

DEPARTMENT OF THE INTERIOR,  
*Washington, May 18, 1909.*

THE ATTORNEY-GENERAL.

SIR: The act of Congress approved June 17, 1902 (32 Stat., 388), commonly known as the "reclamation act," provides in section 1 that all moneys received from the sale of public lands in the States named, excepting 5 per cent thereof set aside by law for other purposes, shall be set aside as a special fund in the Treasury, "to be known as the reclamation fund, to be used in the examination and survey for and construction and maintenance of irrigation works for the storage, diversion, and development of waters for the reclamation of arid and semiarid lands in the said States and Territories, and for the payment of all other expenses provided for in this act."

The Secretary of the Interior was therein authorized and directed to make examinations and surveys for and to construct irrigation works, and in connection therewith was authorized to withdraw such lands as, in his judgment, were deemed necessary for occupation by irrigation works; also to withdraw the lands to be irrigated from such works, the lands thereafter to be subject to entry under the homestead laws only.

Section 3 of the act provides that upon completion of preliminary surveys in such projects and of the estimates of cost, the Secretary shall determine "whether or not said project is practicable and advisable." Section 4 provides that upon determination by the Secretary "that any irrigation project is practicable, he may cause to be let contracts for the construction of the same in such portions or sections as it may be practicable to construct and complete as parts of the whole project, providing the necessary funds for such portions or sections are available in the reclamation fund."

It is further provided that the charges which are to be assessed upon the lands irrigated are to be determined "with a view of returning to the reclamation fund the estimated cost of the construction of the project."

Section 5 provides for the payment of construction charges to the receiver of the local land office, and provides that all moneys received shall be paid into the reclamation fund.

Section 6 authorizes and directs the Secretary of the Interior to use the reclamation fund for the operation and maintenance of all reservoirs and irrigation works constructed under the provisions of the act. It is further provided in said section that when the payments required have been made for the major part of the lands irrigated in any of said projects the management and operations of such works shall pass to the owners of such lands, "to be maintained at their expense under such form of organization and under such rules and regulations as may be acceptable to the Secretary of the Interior: *Provided*, That the title to and the management and operation of the reservoirs and works necessary for their protection and reservation shall remain in the Government until otherwise provided by Congress."

Section 9 makes it the duty of the Secretary of the Interior to expend, so far as practicable, the major portion of funds arising from the sale of public lands upon irrigation projects within the State where the sales are made, but authorizes him to temporarily use such funds in any State or Territory named in the act, provided that the excess shall be restored to the fund as soon as practicable, and that the expenditures shall, within each ten-year period after the passage of the act, be equalized, if practicable.

Section 10 of the act authorizes the Secretary of the Interior to perform any acts and make any rules and regulations necessary for carrying the provisions of the law into effect.

1567 Under the provisions of this act numerous withdrawals were made and irrigation works constructed or begun. The receipts from the sales of the public lands and construction charges collectible from completed projects not creating a sufficient fund to carry on and complete the projects initiated, the Secretary of the Interior, by regulations dated February 21, 1908, as amended May 28, 1908, directed that upon determination by the engineer of the Reclamation Service in charge of a reclamation project that certain work is to be done, he should, by contract with the water users or settlers' association, or if there be no such organization, with a representative committee of settlers, whereby it or they were to perform work or furnish materials upon or for such uncompleted divisions of the project as would most effectively expedite the completion of the work and insure the best financial results. In carrying out this arrangement it was provided that the Reclamation Service for and on behalf of the United States and the association, or committee of the settlers, should enter into a contract whereunder the association or settlers were to advertise for competitive bids to secure the work on the project or a portion of the project, to be done at the lowest possible rates, competition to be waived in specific cases. The work so performed was required to be under the direct supervision and approval of the reclamation engineer, and settlements for the work done were to be in the form of certificates which, when approved by the project engineer, should be receivable in reduction of water-right charges levied by the Secretary of the Interior under the reclamation act. Each person performing work or furnishing materials or supplies under such a contract is required to file a stipulation or agreement to the effect that no cash will be paid for such work or materials or supplies, "but in lieu thereof settlements shall be made and accepted by the issuance of certificates setting forth the value thereof, which shall be receivable in reduction of charges on lands in this reclamation project, in accordance with regulations approved by the Secretary of the Interior."

Upon certification by the engineer in charge as to the satisfactory completion of a definite section or portion of the work, or upon delivery or acceptance of supplies and materials, the association or settlers execute, in duplicate, certificates (copies of which are annexed hereto) which in substance are to the effect that work has been done or materials or supplies furnished to the value of \$— upon the — project, and that the amount will be credited on installments due or to become due for water rights on lands held or entered under the project and may be credited both upon buildings and operation and maintenance charges. Duplicate certificates are issued and registered in the local office of the Reclamation Service. The regulations further provide for the surrender of these certificates, and upon their being found correct and unaltered and the amount surrendered found to be equal to one or more installments of the water-right charges or operation and maintenance charges, the reclamation engineer accepts the certificate and issues a receipt acknowledging the surrender of the described certificates for work performed and materials delivered. Where the amount of certificate surrendered is not equivalent to a full installment, the balance is required to be paid in cash. The canceled certificates are then forwarded to the Director of the Reclamation Service with recommendation that the water-right charges against the lands of the person surrendering the certificate be reduced by an amount corresponding to the value of the certificate. If found to be correct, the Secretary of the Interior, upon recommendation of the director, gives notice of the reduction of the water-right charges on the lands accordingly and directs the Commissioner of the General Land Office to accept and receive the charges payable on the lands as reduced by the certificates surrendered. A copy of said circular of May 28, 1908, is herewith inclosed, marked "Exhibit A."

It appears from the last reports received from project engineers that cooperation certificates to the value of \$424,606.17 have been issued on seven projects; that certificates to the value of \$159,053.37 have been redeemed, and that certificates to the value of \$265,552.80 are outstanding; that in addition contracts have been executed upon three other reclamation projects, and that cooperation certificates are being prepared for two additional projects. Copies of certificates attached, marked "Exhibit B."

In connection with and directly related to this subject, I have to state that for a number of years the people of Grand Valley, Colo., have been urging the Government



to construct a high-line ditch in that valley to irrigate lands above the level of a private ditch now in operation there. The Water Users' Association, purporting to represent the people, finally agreed to secure subscriptions among the people interested to aid the Government in the construction of the project, sufficient funds for that purpose not being available in the reclamation fund. The informal understanding with the people was that upon their cooperation the construction of the project would be taken up immediately. In February, 1909, the Grand Valley Water Users' Association submitted a showing to the effect that subscriptions for cooperative work in constructing this project had been made to it of \$90,000 in money and about 1568 \$40,000 in promised work, a total of about \$130,000. The association asked that the Government allot \$125,000 from the moneys in the reclamation fund for use during the year 1909, which, with allotment previously made and the subscription from the association, would make a total available sum of \$350,000. The estimated total cost of the project is \$2,500,000.

Upon consideration of the matter my predecessor, acting for the United States, and the Grand Valley Water Users' Association, on February 20, 1909, entered into a contract, herewith inclosed, marked "Exhibit C," which recited that as the United States contemplates the construction of certain irrigation works for the irrigation of such lands as may be found feasible in Grand Valley and the association is desirous of cooperating with the United States, in order that the project may be sooner begun, and has for the purpose secured subscriptions, money, and labor exceeding \$125,000, it was agreed that the association should make available for construction the money and labor so subscribed and the Secretary of the Interior should allot \$125,000 from the reclamation fund, to be used upon said project to an extent equal to the amount of subscriptions made available by the association and money and work. The moneys collected by the association were to be deposited in banks in Colorado, subject to the check of the treasurer of the association when countersigned by the fiscal agent of the Reclamation Service assigned to the project. The association was authorized to give to persons subscribing money for the purpose indicated a receipt or certificate to the effect that the payor or his assignee after the application of the money to the cost of construction would be entitled to receive from the association cooperation certificates to the amount of the moneys paid by him. The association was further authorized to contract for such work and materials as might be requested by the project engineer, and upon completion of the work or furnishing and accepting of the materials the engineer is to submit to the association accounts showing by whom the work was done or materials furnished, and thereafter the project engineer of the Reclamation Service is to register cooperative certificates equal to the total of the accounts and deliver same to the persons who paid in moneys upon calls issued by the association. The agreement provides that these cooperative certificates are not to be redeemed in money by the United States, but will be accepted and applied at their face value in reduction in installments of water-right charges hereafter to accrue against the lands within the project. The agreement further provided that the certificates might be redeemed by the association in cash, secured by assessments against all lands under the project, or with funds derived from its first assessment for the collection of charges announced in the public notice by the Secretary of the Interior.

Section 10 of the agreement provides that only those who are or may become members of the water users' association will be accepted as applicants for rights to use the water under the proposed works, and that no applications for water rights will be accepted by the United States until the secretary of the water users' association certifies that the applicant has subscribed for stock of the association for the lands and paid all assessments levied there against. Under section 1 of the reclamation act the moneys for examination and survey, construction, and maintenance of irrigation works are to be derived from the sale of public lands in the States named, and section 4 specifically provides that when the Secretary of the Interior determines that a project is practicable he may let contracts for construction of such portions or sections as it may be practicable to construct and complete as parts of the whole project, "providing the necessary funds for such portions or sections are available in the reclamation fund." The same section also clearly contemplates the return to that fund of the total estimated cost of construction. There seems to be no provision or permission in the law for the acceptance of contributions or donations from private parties, either in the money, materials, or supplies for labor or for cooperation in this respect between the Government and private individuals or water users' associations in the construction of such projects. In fact the act does not seem to provide for the recognition of such associations until the payments required have been made for the major part of the lands irrigated, at which time section 6 provides that management and operation shall pass to the owners of the lands to be maintained at their expense "under such form of organization and under such rules and regulations as may be acceptable to the Secretary of the Interior."

With reference to the contract of February 26, with the Grand Valley Water Users' Association, it does not appear that prior to the date of this contract the project had been determined to be practicable or that the necessary funds for the construction or completion of any entire portion or section of the project were available in the reclamation fund; in fact, it appears from the contract that such was not the case, for \$90,000 of the amount, that is, the money subscribed by the association, is not in the reclamation fund, but is to be deposited in bank by the association, to form the basis of cooperation certificates to be hereafter issued, the remaining \$35,000 or \$40,000 subscribed by the association is in the form of promised work.

1569 As hereinbefore indicated, section 4 of the act requires that the charges for construction must be determined with a view of returning to the reclamation fund "the estimated cost of the project." This can not be done in this instance, under a contract which recognizes an interest of \$125,000 in the matter on the part of the water users' association. Section 10 of the contract is of doubtful validity, as it seeks to exclude from the benefit of the project all those who do not become members of the water users' association, whereas it would appear that as to the public lands under the project, a bona fide entryman under the public-land laws of the United States would be entitled to participate in the benefits of the act, though not a member of the local association.

It should be further noted in connection with this contract that prior to the initiation of the project the Grand Mesas Land, Canal and Power Company had filed on 1,200 second-feet of water from the Grand River, to be used upon irrigable lands on both sides of the river in Grand Valley. About the time of the initiation of the irrigation project by the United States in Grand Valley, my predecessor approved a contract or agreement whereunder the Government abandoned so much of its project as related to Orchard Mesa south of Grand River, so as to permit the construction of a private irrigation ditch through that area, and the construction company having that matter in charge transferred to the United States one-half the stock of the Grand Mesa Land, Canal and Power Company, the purpose of the transfer being to secure the United States against any claim on the part of the Orchard Construction Company, owner of all the stock of the Grand Mesa Company, or the Orchard Mesa irrigation district, to the use of the water of Grand River in excess of the amount needed for their project. It was agreed in the contract relating to Orchard Mesa that if the United States should decide not to construct the Grand Valley project, the stock in question should be returned to the Orchard Construction Company.

The latter company is now before the department offering to construct irrigation works on the north side of the river should the Government abandon the project and the stock above described be returned.

In view of the extent to which the Government has engaged in the construction of works under the cooperation certificate plan, of the possible liabilities in the way of claims thereby incurred, and delay in constructing works through lack of available reclamation funds, I hesitate to question the authority of this department to proceed to the completion of such projects as are actually under way, in accordance with the cooperative scheme; but in view of the apparent lack of authority of law for the action, I am constrained to submit the same to you in order that I may be advised as to what the future action of this department should be in these matters. While the issue of cooperation certificates, as above indicated, has proceeded to a considerable extent and the Grand Valley contract was entered into and ratified by my predecessor, it must be borne in mind that we are but at the outset of the matter of reclaiming the arid lands of the United States; and if mistakes have been made in the construction of the law or if proceedings have been had unwarranted by the law, no more opportune time than the present will ever be found to cease whatever acts are not warranted, or to place matters already acted upon in statu quo so far as may be possible.

I have therefore the honor to ask you to consider these matters and to advise me—

(1) Whether, in view of the provisions of the reclamation act hereinabove set out, expressly providing as to how funds for construction of irrigation works are to be maintained and forbidding the letting of contracts for construction until the necessary funds are available in the reclamation fund, and of the requirement that the charges shall be so assessed as to return the entire estimated cost of construction to that fund, this department has any right to recognize or enter into contracts with voluntary water users' associations or individuals whereunder they shall enter into partnership or cooperate with the United States in the performance of work or furnishing of money, supplies, or materials to be used in the construction of reclamation works under the act of June 17, 1902, supra.

(2) If you find that the law does not authorize or permit such cooperation, whether the United States is warranted in honoring and accepting all cooperation certificates already issued on the various projects, or whether the only relief which may be extended

to those who have performed labor or furnished moneys, materials, or supplies will lie in an act of Congress authorizing the payment to them of the money value of such labor, supplies, or materials.

(3) As to the Grand Valley contract, in the light of the foregoing questions and in view of the further fact that no work has been done except preliminary surveys, that the subscriptions have not been used by the United States, and the total amount so subscribed, together with the amount apportioned by the United States not being sufficient to complete any portion or section of the project, whether said contract can be legally abrogated by the United States upon condition that it return to the Orchard Construction Company the stock in the Grand Mesa Land, Canal and Power Company.

1570 In connection with the subject I ask to be further advised whether, in view of the provisions of section 1 of the reclamation act, which provides a fund for the construction and maintenance of irrigation works, and of section 6, which provides that the management and operation of the works shall pass to the owners of the lands irrigated, to be maintained "at their expense" after construction charges have been paid for the major part of the lands irrigated, whether the United States is warranted under the law in exacting from water-right applicants and entrymen prior to such time annual payments for maintenance and operation of the reservoirs, ditches, and canals in the project wherein the lands lie. The present practice is to fix a definite charge per acre in each project to cover the cost of construction and to assess annually a specific amount per acre for operation and maintenance, collecting the same from the landowners.

In this connection it appears that Congress, in later acts (34 Stat., 53, 325, 1037; 37 Stat., 85, 562) providing for the opening of certain Indian reservations to settlement and entry and extending the operation of the reclamation act to lands therein, provided that the settler should pay a specific amount for the lands, the same to be applied for the benefit of the Indians, which should be in addition "to the charges for construction and maintenance of the irrigation system made payable into the reclamation fund by the provisions of the reclamation act." This language, or the equivalent language used in the three acts mentioned, appears to be descriptive and not in the nature of a legislative construction or modification of the reclamation act of June 17, 1902; but as this is a matter of considerable importance and related to the subject of this communication, I have to request that I be advised as to whether this department has the right to exact the payment of maintenance or operation charges from settlers, entrymen, and private landowners within reclamation projects prior to the time when payments have been made for the major portion of the lands irrigated.

I inclose herewith for your reference copies of circulars of September 9, 1902, and May 27, 1908, also copy of cooperation certificates proposed to be used in connection with the Orland, Salt River, Williston, and Grand Valley irrigation projects, and copy of contract of February 20, 1909, between Secretary Garfield and the Grand Valley Water Users' Association.

Very respectfully,

R. A. BALLINGER, *Secretary.*

DEPARTMENT OF JUSTICE,  
Washington, May 26, 1909.

THE SECRETARY OF THE INTERIOR.

SIR: I have the honor to acknowledge the receipt of your letter of May 18, instant, in which you request my opinion upon the validity of certain contracts entered into by the Secretary of the Interior with associations of water users claiming the benefits of the act of June 17, 1902 (32 Stat., 388), commonly known as the "reclamation act."

In answering your inquiries it is necessary to inquire whether regulations made by the Secretary were authorized by the statute.

The reclamation act is entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands."

By the first section it is provided that all moneys received from the sale and disposal of public lands in certain named States and Territories (excepting 5 per cent) shall be reserved, set aside, and appropriated as a special fund in the Treasury to be known as the "reclamation fund," to be used in the examination and survey for, and the construction and maintenance of, irrigation works for the storage, diversion, and development of waters for the reclamation of arid and semiarid lands in the said States and Territories, and for the payment of all other expenditures under this act.

The second section authorizes the Secretary of the Interior to make examinations and surveys for and "to locate and construct, as herein provided, irrigation works for the storage, diversion, and development of waters."

Section 3 provides that upon completion of preliminary surveys, and of the necessary maps, plans, and estimates of cost, after withdrawal of the public lands required for irrigation works, the Secretary shall determine whether or not said project is practicable and advisable; and that public lands which it is proposed to irrigate by means of any contemplated works shall be subject to entry only under the provisions of the homestead laws in tracts of not less than forty nor more than one hundred and eighty acres, and shall be subject to the limitations, charges, terms, and conditions herein provided.

1571 Section 4 is as follows:

"That upon the determination by the Secretary of the Interior that any irrigation project is practicable, he may cause to be let contracts for the construction of the same in such portions or sections as it may be practicable to construct and complete as parts of the whole project, providing the necessary funds for such portions or sections are available in the reclamation fund, and thereupon he shall give public notice of the lands irrigable under such project and limit of area per entry, which limit shall represent the acreage which, in the opinion of the Secretary, may be reasonably required for the support of a family upon the lands in question; also of the charges which shall be made per acre upon the said entries, and upon lands in private ownership which may be irrigated by the waters of the said irrigation project, and the number of annual installments, not exceeding ten, in which such charges shall be paid and the time when such payments shall commence. The said charges shall be determined with a view of returning to the reclamation fund the estimated cost of construction of the project, and shall be apportioned equitably: *Provided*, That in all construction work eight hours shall constitute a day's work, and no Mongolian labor shall be employed thereon."

Section 5 provides that the entryman shall reclaim at least one-half of his irrigable area for agricultural purposes and that the annual installments shall be paid to the receivers of the local land office and that all moneys received shall be paid into the reclamation fund.

By section 6 the Secretary of the Interior is directed to use the reclamation fund for the operation and maintenance of all reservoirs and irrigation works constructed under the provisions of the act; and when the payments for the major part of the lands irrigated are made, the management and operation of the works shall pass to the owners of the lands, to be maintained at their expense, under such forms and regulations as may be acceptable to the Secretary of the Interior; but the title to and the management and operation of the reservoirs and works necessary for their protection and preservation shall remain in the Government until otherwise provided by Congress.

Section 7 provides that where it is necessary to acquire any rights or property, the Secretary may acquire them by purchase or condemnation, and may pay from the reclamation fund the sums which may be needed for that purpose.

Section 8 provides that the act shall not be construed as affecting the laws of the State or Territory concerning irrigation, or the right of any State or Territory or water user in interstate streams or the water thereof.

Section 9 requires the Secretary to expend, as far as practicable and subject to the existence of feasible irrigation projects, the major portion of the funds arising from the sale of public lands within each State and Territory for the benefit of arid and semiarid lands therein; but authorizes him to use the funds in any State or Territory named in the act, and requires that the excess shall be restored to the fund as soon as practicable, so that the expenditures shall, in any event, within each ten-year period after the passage of the act be equalized as far as practicable.

The tenth section authorizes the Secretary of the Interior to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of the act into full force and effect.

You state that:

"Under the provisions of this act numerous withdrawals were made and irrigation works constructed or begun. The receipts from the sales of the public lands and construction charges collectible from completed projects not creating a sufficient fund to carry on and complete the projects initiated, the Secretary of the Interior by regulations dated February 21, 1908, as amended May 28, 1908, directed that upon determination by the engineer of the Reclamation Service in charge of a reclamation project that certain work is to be done, he should, by contract with the water users or settlers' association, or if there be no such organization, with a representative committee of settlers, whereby it or they were to perform work or furnish materials upon or for such uncompleted divisions of the project as would most effectively expedite the completion of the work and insure the best financial results. In carrying out this arrangement it was provided that the Reclamation Service for and on behalf of the United States and the association, or committee of the settlers, should enter into a contract

whereunder the association or settlers were to advertise for competitive bids to secure the work on the project or a portion of the project, to be done at the lowest possible rates, competition to be waived in specific cases. The work so performed was required to be under the direct supervision and approval of the reclamation engineer, and settlements for the work done were to be in the form of certificates which, when approved by the project engineer, should be receivable in reduction of water-right charges levied by the Secretary of the Interior under the reclamation act. Each person

performing work or furnishing materials or supplies under such a contract is 1572 required to file a stipulation or agreement to the effect that no cash will be paid for such work or materials or supplies, 'but in lieu thereof settlements shall be made and accepted by the issuance of certificates setting forth the value thereof, which shall be receivable in reduction of charges on lands in this reclamation project, in accordance with regulations approved by the Secretary of the Interior.'

"Upon certification by the engineer in charge as to the satisfactory completion of a definite section or portion of the work, or upon delivery or acceptance of supplies and materials, the association or settlers execute in duplicate certificates, which in substance are to the effect that work has been done or materials or supplies furnished to the value of \$ — upon the — project, and that the amount will be credited on installments due or to become due for water rights on lands held or entered under the project and may be credited both upon building and operation and maintenance charges. Duplicate certificates are issued and registered in the local office of the Reclamation Service. The regulations further provide for the surrender of these certificates and, upon their being found correct and unaltered and the amount surrendered found to be equal to one or more installments of the water-right charges or operation and maintenance charges, the reclamation engineer accepts the certificate and issues a receipt acknowledging the surrender of the described certificates for work performed and materials delivered. Where the amount of certificate surrendered is not equivalent to a full installment, the balance is required to be paid in cash. The canceled certificates are then forwarded to the Director of the Reclamation Service, with recommendation that the water-right charges against the lands of the person surrendering the certificate be reduced by an amount corresponding to the value of the certificate. If found to be correct, the Secretary of the Interior, upon recommendation of the director, gives notice of the reduction of the water-right charges on the lands accordingly, and directs the Commissioner of the General Land Office to accept and receive the charges payable on the lands as reduced by the certificates surrendered."

You further state:

"\* \* \* That for a number of years the people of Grand Valley, Colorado, have been urging the Government to construct a high line ditch in that valley to irrigate lands above the level of a private ditch now in operation there. The water users' association, purporting to represent the people, finally agreed to secure subscription among the people interested to aid the Government in the construction of the project, sufficient funds for that purpose not being available in the reclamation fund. The informal understanding with the people was that upon their cooperation the construction of the project would be taken up immediately. In February, 1909, the Grand Valley Water Users' Association submitted a showing to the effect that subscriptions for cooperative work in constructing this project had been made to it of \$90,000 in money and about \$40,000 in promised work, a total of about \$130,000. The association asked that the Government allot \$125,000 from the money in the reclamation fund for use during the year 1909, which, with allotment previously made and the subscription from the association, would make a total available sum of \$330,000. The estimated total cost of the project is \$2,500,000.

"Upon consideration of the matter my predecessor, acting for the United States and the Grand Valley Water Users' Association, on February 20, 1909, entered into a contract which recited that, as the United States contemplates the construction of certain irrigation works for the irrigation of such lands as may be found feasible in Grand Valley, and the association is desirous of cooperating with the United States in order that the project may be sooner begun, and has, for the purpose, secured subscriptions, money, and labor exceeding \$125,000, it was agreed that the association should make available for construction the money and labor so subscribed and the Secretary of the Interior should allot \$125,000 from the reclamation fund to be used upon said project to an extent equal to the amount of subscriptions made available by the association in money and work. The moneys collected by the association were to be deposited in banks in Colorado, subject to the check of the treasurer of the association when countersigned by the fiscal agent of the Reclamation Service assigned to the project. The association was authorized to give to persons subscribing money for the purpose indicated a receipt or certificate to the effect that the payor or his

assignee after the application of the money to the cost of construction would be entitled to receive from the association cooperation certificates to the amount of the moneys paid by him. The association was further authorized to contract for such work and materials as might be requested by the project engineer, and upon completion of the work or furnishing and accepting of the materials the engineer is to submit to the association accounts showing by whom the work was done or materials furnished, and thereafter the project engineer of the Reclamation Service is to register cooperative certificates equal to the total of the accounts and deliver 1573 the same to the persons who paid in money upon calls issued by the association. The agreement provides that these cooperative certificates are not to be redeemed in money by the United States, but will be accepted and applied at their face value in reduction in installments of water-right charges hereafter to accrue against the lands within the project. The agreement further provided that the certificates might be redeemed by the association in cash, secured by assessments against all lands under the project, or with funds derived from its first assessment for the collection of charges announced in the public notice by the Secretary of the Interior.

"Section 10 of the agreement provides that only those who are or may become members of the water users' association will be accepted as applicants for right to use the water under the proposed works and that no applications for water rights will be accepted by the United States until the secretary of the water users' association certifies that the applicant has subscribed for stock of the association for the lands and paid all assessments levied against said stock."

-You further state that—

"\* \* \* Prior to the initiation of the project the Grand Mesa Land, Canal and Power Company had filed on 1,200 second-feet of water from the Grand River, to be used upon irrigable lands on both sides of the river in Grand Valley. About the time of the initiation of the irrigation project by the United States in Grand Valley, my predecessor approved a contract or agreement whereunder the Government abandoned so much of its project as related to Orchard Mesa south of Grand River, so as to permit the construction of a private irrigation ditch through that area, and the construction company having the matter in charge transferred to the United States one-half of the stock of the Grand Mesa Land, Canal and Power Company, the purpose of the transfer being to secure the United States against any claim on the part of the Orchard Construction Company, owner of all the stock of the Grand Mesa Company, or the Orchard Mesa irrigation district, to the use of the water of Grand River in excess of the amount needed for their project. It was agreed in the contract relating to Orchard Mesa that if the United States should decide not to construct the Grand Valley project the stock in question should be returned to the Orchard Construction Company.

"The latter company is now before the department offering to construct irrigation works on the north side of the river should the Government abandon the project and the stock above described be returned."

In view of this statement of facts the first inquiry you make to me is:

"Whether, in view of the provisions of the reclamation act herein above set out, expressly providing as to how funds for construction of irrigation works are to be maintained, and forbidding the letting of contracts for construction until the necessary funds are available in the reclamation fund, and of the requirement that the charges shall be so assessed as to return the entire estimated cost of construction to that fund, this department has any right to recognize or enter into contract with voluntary water users' associations or individuals whereunder they shall enter into partnership or cooperate with the United States in the performance of work or furnishing of money, supplies, or materials to be used in the construction of reclamation works under the act of June 17, 1902, supra."

Looking to the act itself, I find little difficulty in its construction.

The objects of the act are clearly expressed. It appropriates the proceeds of the sale of public lands in certain States and Territories for the construction of irrigation works for the reclamation of arid and semiarid lands. These proceeds constitute a fund known as the "reclamation fund," by the use of which the Secretary of the Interior can develop this project. The whole scheme is based upon and limited in its extent to the proceeds of the sale and disposal of the public lands. No further appropriation by the Government is made or indicated. The plan is in furtherance of the principles of the homestead laws, to improve the character of these undesirable lands for settlers. The Secretary could withdraw from public entry, except from homestead laws, lands susceptible of irrigation, and public lands proposed to be irrigated are subject to entry only under the homestead laws. (Sec. 3.)

The manner of the use of the fund is explicitly stated. When the Secretary of the Interior has determined that a project is practicable, he may cause to be let contracts for construction of such portions or sections as it may be practicable to construct

and complete as parts of the whole project, providing the necessary funds for such portions or sections are available in the reclamation fund. This is a plain declaration of the authority conferred upon the Secretary. By the terms of this statute he can not commence any construction of any portion of the work unless the necessary funds are available in the "reclamation fund." There is no ambiguity in these terms. The funds must either be in the "reclamation fund," or definitely provided for, from sales of public lands. To make this more positive the statute further says, after providing for the charges which shall be made upon the lands and the time of their payment, that these charges shall be determined with a view of returning to the reclamation fund the estimated cost of construction of the projects.

The whole intention of the act upon its face is to give to the Secretary of the Interior the power to construct and maintain certain irrigation works by the use of a fund derived as I have stated. He is limited in the exercise of his powers by the law. If the law has defined those powers, he can not act beyond that limit. His acts would be without authority.

In considering an inquiry as to the authority of an officer to bind the Government, the Supreme Court, in the *Floyd Acceptances* (7 Wall., 666, 676), said:

"The answer which at once suggests itself to one familiar with the structure of our Government, in which all power is delegated and is defined by law, constitutional or statutory, is that to one or both of these sources we must resort in every instance. We have no officers in this Government from the President down to the most subordinate agent, who does not hold office under the law, with prescribed duties and limited authority, and while some of these, as the President, the legislature, and the judiciary, exercise powers in some sense left to the more general definitions necessarily incident to fundamental law found in the Constitution, the larger portion of them are the creation of statutory law, with duties and powers prescribed and limited by that law."

These observations are of special force when applied to a series of rules and regulations, as in this case. Being intended to be applicable as general rules, where a new and specific authority is given to the officer, all the Secretary can do is to regulate the mode of proceeding to carry out what Congress has enacted. He can not alter or amend the law. (*Morrill v. Jones*, 106 U. S., 466, 467.)

No further extension of his powers is granted by the tenth section, by which he is authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purposes of carrying the provisions of the act into full force and effect. This does not warrant him to import into the act authority to obtain any other means to construct irrigation works than those stated. The act is an appropriation of money obtained in a specific way for a specific purpose. That that purpose can be more fully accomplished in a different way does not confer upon the officer the power to direct that way. That would be to amend the law, which is not the office of a departmental regulation. As was said in *Johnson v. Southern Pacific Company* (117 Fed. Rep., 465):

"While ambiguous terms and doubtful expression may be interpreted to carry out the intention of a legislative body which a statute fairly evidences, a secret intention can not be interpreted into a statute which is plain and unambiguous and which does not express it. The legal presumption is that the legislative body expressed its intention, that it intended what it expressed, and that it intended nothing more."

These regulations go far beyond the terms of the statute. By providing for another fund and another mode of paying for irrigation work they amend the act. This contract made under them creates a joint action on the part of certain water users with the Government by which they propose to advance certain moneys and perform work in the prosecution of the project. The certificates issued by the association and registered by the engineer are transferable; and, although not redeemed in money by the United States, entitle the holder to a credit for their face value and may be applied in part or full payment of the charges against his lands. By this proposed scheme the money subscribed is not in, nor does it at any time go into, the reclamation fund. There is no security that it will be in that fund or that the work agreed upon will be done, although the government officer furnishes his proportion. In the sixth section of the act it is provided that when the payments are made for the major portion of the lands irrigated the management shall pass to an organization of the owners. If there had been contemplated any previous combination of water users, provision would have been made for it.

I might state other objections to the plan permitted by the regulations, such as the attempted exclusion of all applicants for water rights who are not members of the association; but I deem it unnecessary, because in my opinion the Secretary of the Interior was without authority to enter into contracts of this nature. The regulations under which they are drawn, in my opinion, alter materially the reclamation act, which, as has been said, can not be done by departmental regulation.

Your second inquiry is:

"If you find that the law does not authorize or permit such cooperation, whether the United States is warranted in honoring and accepting all cooperation certificates already issued on the various projects or whether the only relief which may be extended to those who have performed labor or furnished moneys, materials, or supplies will lie in an act of Congress authorizing the payment to them of the money value of such labor, supplies, or materials."

These certificates, having been issued under an unwarranted contract, can not be received as credits for the charges imposed upon the land under the statute. 1575 They can not be used by the original payee or transferee as a discharge pro tanto of his indebtedness. But they are evidence of work performed, proper and necessary in the construction and maintenance of the irrigation work, done under the supervision and inspection of the chief engineer, and certified to be correct, as memoranda for that officer. In this view, I think the work may be paid for as upon a quantum meruit, if there are funds in the reclamation fund. This may cause confusion by reason of the irregularity of the procedure; but, upon familiar principles, would seem to be equitable to the persons furnishing the materials and work. It precludes the recognition of the association as a joint participant in any way. It becomes a transaction between the persons performing the services and the officers of the Government charged with the duty of construction. If the money necessary does not come into the reclamation fund in the manner prescribed in the act, the parties have no remedy except in an application to Congress for an appropriation, or for an amended act providing in the way suggested by the contract or some similar way for credits upon charges on the land.

Your third inquiry is:

"As to the Grand Valley contract, in the light of the foregoing questions and in view of the further fact that no work has been done except preliminary surveys, that the subscriptions have not been used by the United States, and the total amount so subscribed, together with the amount apportioned by the United States, not being sufficient to complete any portion or section of the project, whether said contract can be legally abrogated by the United States upon condition that it return to the Orchard Construction Company the stock in the Grand Mesa Land, Canal, and Power Company."

It seems that the Grand Mesa Company had rights of irrigation, to be used on both sides of Grand River in Grand Valley, prior to the initiation of the government project. An agreement was entered into by the company with the Secretary of the Interior by which the Government abandoned that part of its project which related to the south of Grand River and permitted the company to construct a private irrigation ditch through that area. The company transferred one-half of its stock to the United States to secure the United States against any claim on the part of the company or its associates for an excessive use of the water of Grand River. If the United States did not proceed with the Grand Valley project, the stock was to be returned.

Under this agreement no obligation rested upon the Government to construct the irrigation works in Grand Valley.

The permission in the agreement to construct a private irrigation ditch is immaterial. If that permission was granted in consideration of an agreement by the Government not to proceed with a portion of its project in that area, the agreement was entered into without authority.

Nothing has been done under the government project affecting this portion of lands. Whether, in the event of the prosecution of the Grand Valley project, it might be necessary to acquire the rights of this company does not appear. If it should be, the manner of doing so is stated in the seventh section of the act. I think this would not be affected by a supposed agreement not to operate in the lands south of the Grand River if it became necessary to acquire rights and property to carry out the provisions of the act. All rights of the company under its incorporation are recognized and protected by the eighth section.

Notwithstanding that the whole contract as presented to me may be regarded as void, manifestly the stock should be returned to the Orchard Construction Company. Joint control and operation is not recognized in any manner in the statute. The return of the stock can not be conditional upon an abandonment by the Government of any part of the proposed project. It simply leaves the parties, the Government and the company, where they were before the signing of this "contract."

You ask:

"\* \* \* To be further advised whether in view of the provisions of section 1 of the reclamation act, which provides a fund for the construction and maintenance of irrigation works, and of section 6, which provides that the management and operation of the works shall pass to the owners of the lands irrigated to be maintained 'at their expense' after construction charges have been paid for the major part of the lands irri-



gated, whether the United States is warranted under the law in exacting from water-right applicants and entrymen prior to such time annual payments for maintenance and operation of the reservoirs, ditches, and canals in the project wherein the lands lie. The present practice is to fix a definite charge per acre in each project to cover the cost of construction and to assess annually a specific amount per acre for operation and maintenance, collecting the same from the landowners."

I think the practice of the department is correct. The reclamation fund is, among other things, for the construction and maintenance of the irrigation works. It is true that by the fourth section the charges shall be determined with a view to returning the estimated cost of the construction. The act may be fairly construed to 1576 include in the fund charges for maintenance. Especially is this inferable

when it is apparent from the language of the sixth section that when the management and operation shall pass to the owners of the irrigated land the expenses of maintenance are to be paid by them. These expenses are clearly the same as were theretofore paid by the Government out of the reclamation fund. Unless they had been charges upon the land and collectible as such, the fund, which by the theory of the reclamation plan is to be used in constructing other works, would not be kept intact. The present practice of the department prevents the fund from being diminished and leaves it available for the intended purposes.

Referring to several statutes providing for the opening of certain Indian reservations to settlement and entry, and extending the reclamation to land thereon, you request to be advised as to whether your department "has the right to exact the payment of maintenance or operation charges from settlers, entrymen, and private landowners within reclamation projects prior to the time when payments have been made for the major portion of the lands irrigated."

Without reciting the language of those statutes, I think their object, in this respect, was to extend the irrigation provision of the act of June 17, 1902, to the Indian lands.

In some cases the fund is raised originally in a different manner from that provided in that act, inasmuch as money is appropriated for the purposes of construction. In others it is obtained in a way similar to that of the general act. But always the costs are paid from the proceeds of the sales of lands; and in the case of advancements the sums advanced are to be thus reimbursed.

I am of opinion the practice referred to by you is also the correct one in the reclamation projects on these Indian reservations. Indeed, it is clearly approved by Congress. Thus, on the Yakima Reservation the Secretary is authorized to cover into the reclamation fund the money of the Indians for payment of charges for construction and maintenance for the water rights appurtenant to the land retained by him, or for the annual maintenance charges payable on account of such water rights after the construction charge thereon has been paid in full. And on the Fort Peck Reservation, where the Secretary of the Interior is authorized to construct irrigation projects, all applicants for water rights may be required to pay such annual charges for operation and maintenance as shall be fixed by the Secretary; and the Secretary is authorized to fix the time for the beginning of such payments and to provide such rules and regulations thereto as he may deem proper. The Indian allottee is not required to contribute to the cost of construction, but his lands must bear their pro rata share of the cost of operation and maintenance, and the Secretary withholds his moneys to pay such charges. (35 Stat., 558.)

The distinction is made between costs of construction and costs of maintenance, but both are recognized as payable from a charge upon the land.

The right to the use of water acquired under the provisions of this act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of the right. It is entirely reasonable that the water user should pay for the use from the time the water is delivered upon the land, which is, as I understand, all that is required of him.

This is made more definite in these Indian acts than it appears in the general act. As I think that the authority of the Secretary of the Interior is ample to determine the "limitations, charges, terms, and conditions provided in the act," and that charges for maintenance, together with the time of their commencement, are the subject of reasonable regulation, as well as charges for construction, in all cases unless otherwise provided, I am of the opinion that the Secretary has the right to exact the payment you refer to.

Very respectfully,

GEO. W. WICKERSHAM,  
*Attorney-General.*

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
*Washington, D. C., July 24, 1909.*

THE SECRETARY OF THE INTERIOR.

SIR: In compliance with the instructions of the department under date of July 20 there is herewith submitted a concrete case arising in connection with the plan of equitable reduction of dues or of cooperation in western Nebraska for the consideration of the Attorney-General, who has intimated his willingness to consider such a case.

The North Platte project, lying in western Nebraska and eastern Wyoming, was planned to include irrigable land on both sides of the North Platte River, involving the construction of a dam and a main canal on the north side, known as the interstate canal, about 160 miles long, and several canals for the irrigation of lands on the south side of the river. The plans contemplate the completion of portions or sections in systematic order, bringing water to additional tracts each year.

In 1907, 95 miles of the main canal had been built, together with a distributing system for what is known as the first lateral district, for the irrigation of about 37,000 acres.

The plans for the project involved the construction of the distributing system for the second lateral district in the year 1909 and the furnishing of water during 1910.

A large number of farmers had settled upon the lands within the second lateral district some years before. They urged strongly that the work for that district be taken up in 1908 instead of 1909, as planned. The fact that these entrymen were located upon these lands is an unfortunate condition, resulting from the provisions of the reclamation act which permit homestead entries to be made upon these irrigation projects long in advance of the possibility of furnishing water. Accordingly the settlers suffer great hardship in attempting to comply with the homestead laws regarding residence and cultivation during the period of waiting for water.

The representations of these settlers were carefully considered in making allotments of the funds for the year 1908, but it was impracticable to allot funds for such construction in that year.

The reasons for this condition arise from the terms of the act regarding expenditures of the reclamation fund.

Section 4 requires that the Secretary of the Interior, in letting contracts for the construction of such portions or sections of projects as it may be practicable to construct and complete as parts of the whole project, must do so subject to the proviso that "the necessary funds for such portions or sections are available in the reclamation fund."

The Secretary is also required by section 9 to expend the major portion of the funds arising from the sale of public lands within each State and Territory mentioned in the act, within the limits of such State and Territory, subject, however, to the existence of feasible irrigation projects, and also provides that the Secretary may temporarily use such portion of the funds for the benefit of lands in other States or Territories; but at the end of each ten-year period the expenditures must be equalized according to the proportions and subject to the conditions of practicability specified in the section.

The effect of section 9 is to require one or more projects to be constructed in each State or Territory where feasible projects can be found. This has been done in all but one, namely, in Oklahoma, where considerable expenditure has failed to reveal a feasible project. The funds available each year are divided among the several projects so as to secure the most satisfactory returns for the moneys expended, considering the settlers upon the project, the preservation of water-right claims under the state statutes, the proper utilization of the organized field and office forces and equipment, the speedy return of the moneys expended to the fund as contemplated by the act, and the readjustment of the expenditures in the several States and Territories by the end of the ten-year period in 1912.

All these conditions made it impracticable to allot funds to the North Platte project more rapidly than would be consistent with the general scheme laid out for the orderly and systematic adjustments of all the other projects within the limit of the funds available.

The plans of construction for the year 1908 had been adopted in a broad way several years before, as it has been the practice to make each year's allotment to secure the most effective progress and with some consideration of the amounts estimated to be available in future years. In 1907, when the 1908 allotments were made, one-half of the ten-year period had expired, and the proper readjustment of expenditures in the several States and Territories required by section 9 of the act to be accomplished

in the year 1912, so far as practicable, was an important factor in the consideration of future needs.

In the assignment of funds, amounting to \$8,000,000, to be expended in one year, there would have been no actual difficulty in meeting the demands of the settlers on the several projects where cooperation work was afterwards established by setting apart \$300,000 or \$400,000 out of that sum for such work. The difficulties hereinbefore pointed out prevented such a plan, and, moreover, such a procedure would require the disbandment of well-trained field and office forces and idle equipment in the way of surveying instruments and office buildings, animals, wagons, and construction plant of all kinds. This would manifestly have been a wasteful process, and for all these reasons it was not practicable or economical to allot the funds desired by the settlers in the second lateral district of the North Platte project, although there was a balance available to meet all the liabilities.

1578 The impression has grown up from these conditions that there was no money available in the reclamation fund for certain pieces of work. This, of course, is not correct, as the cash available has always been greatly in excess of the obligations, as will be hereafter shown. It lies within the power of the Secretary at all times to curtail the work and not to interfere with contract obligations, changing the allotment of funds from one project to another. The question to be decided in each case is whether such change would be businesslike or economical and whether it would conduce to proper administration.

The request from the settlers in the North Platte project for early construction of the second lateral district became very urgent in the spring of 1907, and at that time suggestions were made by some of the people living upon these lands that if the Government would lay out for them the distributing system and would reduce their charges under the project they would agree to construct this distributing system on condition that appropriate records be kept of the work done by each person who would be entitled to an equitable reduction of the payments on his water-right application.

At that time the service advised these people that the plan presented a number of difficulties and that it would be given careful consideration.

It was appreciated that some arrangements of this kind would be highly conducive to putting into effect the object of the reclamation act. This act before passage had been fully discussed in almost daily sessions at a series of conferences of Senators and Representatives, constituting what was then known as "the committee of seventeen," during the period from December 3 to December 28, 1901. At that time, and subsequently in the speeches in Congress, was outlined the conception that if the Government would build the reservoirs and main ditches the settlers would do the rest. This idea has remained in the minds of the Members of Congress, and it has been held by them and by the western lawyers that under the authority conferred by the act, purposely made broad to cover such conditions, the department should put into effect some plan by which the settlers could do a portion of the work and reduce the cost accordingly.

Such emphasis was put upon this matter by public men and by the settlers that there appeared to be no alternative other than developing a plan which would permit the man then on the ground to build a portion of the work.

The situation from the standpoint of the would-be water user on the North Platte project was distressing, and, as pointed out many times, the object of the act was apparently being defeated through failure of the department to appreciate the true conditions. Here were many settlers permitted to make homestead entries and required to live upon them, but who could not utilize the lands because of lack of water. At the same time the lands were held subject to charge for water, the main structures having been completed and the lands increased in value and benefited to this extent, but still not capable of supporting a family because of missing links in the shape of smaller ditches.

The great investment already made by the Government could not be returned to the fund as contemplated by law until a piece of ditch could be built, and there seemed no proper reason for refusing to permit the finishing of this work by a man, or association of men, who at the time were debtors to the Government. The conditions on the North Platte project were not unique, and during the summer and fall of 1907 similar importunities were made by citizens resident on several other projects, notably in Nevada and Idaho.

The Payette-Boise Water Users' Association during the fall of 1907 prepared a draft of regulations and a plan of cooperative work which was submitted to the Washington officials. After consideration a number of modifications were made in order to conform as closely as possible to the requirements of the General Land Office and of the Treasury Department.

This draft of regulations was then considered at a meeting of the principal engineers of the Reclamation Service at Yuma, Ariz., in February, 1908, and received their indorsement.

The draft was then put in the usual form of regulations and submitted to the Secretary of the Interior.

The regulations were considered in a conference with the Secretary, at which were present the Commissioner of the General Land Office with assistants from his office and the Director of the Reclamation Service with members of the service. A number of objections to the plan were discussed and modifications were made in order to secure a procedure satisfactory to the Land Office. The regulations were approved February 21, 1908, and immediately put into effect.

After several months the matter was discussed by various western Senators, with the result that a hearing was held by the Senate Committee on Irrigation and Reclamation of Arid Lands May 18, 1908. The hearing was printed in Senate Document 507,

Sixtieth Congress, first session, copy of which is herewith transmitted. The 1579 views expressed by members of the committee caused several amendments to be made in the regulations which were reissued and approved May 28, 1908, copy herewith.

At the same time there was issued a pamphlet entitled "Cooperative Certificates—Issue and Use by Associations of Settlers or Water Users and Regulations of May 28, 1908," copy herewith, which discussed fully a number of the questions that had been presented to the Senate committee.

The cooperative certificates, of which a sample is inclosed, were issued in pursuance of a contract following the specific form outlined in the regulations. Copy of the contract with the North Platte Water Users' Association is also inclosed.

The certificates so issued represent the value of work done or materials furnished in connection with the construction of the distribution system, and in surrendering the certificates each person, in accordance with the regulations and article 6 of the contract, transfers any right or interest he may have in the work performed, and in return therefor received a reduction of the water-right charges which are due from him to the United States on account of a certain definite tract of land. This reduction becomes a set-off against the amount which he owes the United States on account of this charge on the land.

In laying out and constructing irrigation works under the provisions of the reclamation act the Secretary of the Interior may build a reservoir for storing water and make appropriate arrangements with the water users to utilize this water supply through their own ditches. In such a case the reclamation project would consist solely of the reservoir, and the settlers would at their own expense provide the main canal and distributing system, paying only the cost of the reservoir.

The Secretary may in other cases go a step further, and in addition to the reservoir build a main canal connecting with distributing systems already on the ground, which were each originally connected with the river. A connection with one main canal would involve great economy in operation and great saving of water losses which would otherwise occur in the small ditches. In such a project the settlers would pay the cost of the reservoir and main canal.

The project may consist of a reservoir, a main canal, and small main laterals, leaving to the water users the construction of the minor laterals and small distributaries; or the project may consist of a complete system, consisting of the reservoir, main canal, main laterals, and distributing ditches carrying the water to the individual farms.

In the latter case the settler pays the Government for a complete irrigation system and furnishes no part of the work. In the other cases the settler pays the Government for varying parts of the system, supplying the remainder at his own expense. The several projects of the Reclamation Service present many variations of this plan. In fact, the same project, by reason of irrigation systems constructed over part of the area before the Government began work, presents varying conditions, and different parts of the system will be chargeable against different sections, equitable reductions being made for the portion of the system supplied by the settlers.

A complete system for carrying water to each individual farm was planned and built for the first lateral district of the North Platte project, and on July 29, 1907, the Secretary of the Interior issued his public notice under provision of section 4 of the reclamation act, fixing the charge of \$35 per acre of irrigable land for the building of the irrigation system, and 40 cents per acre per annum for operation and maintenance. (Copy herewith.)

It was intended in the year 1909 to build the system for the second lateral district by a cash expenditure from the reclamation fund, the charge for building the works being held at \$35 per acre.

Instead of waiting until the service should take up this second lateral district in regular order, the people undertook the building of their distributing system for themselves in order to save an average of several dollars per acre on the total charge of \$35 per acre.

The North Platte Valley Water Users' Association thereupon entered into a contract with the United States, following the form found in the circular in the regulations of February 21, 1908. This contract, except for the description of the work and the specifications, is the same as all other contracts for cooperative work which have heretofore been executed, except the contract for the Grand Valley project.

By this contract the North Platte Valley Water Users' Association agreed that the work designated by the Reclamation Service should be performed under a maximum fixed in the contract. The work supervised by the engineers of the Reclamation Service and all work constructed was to become the property of the United States, subject to the provisions of the regulations.

As the work was performed, the engineers of the Reclamation Service checked the amounts and the records of the association to insure the proper issue of certificates, and the association issued certificates indicating the value of the labor performed or materials furnished.

1580 The water users performing the work on this lateral system received certificates representing the value of the work and in a large majority of cases have already turned in these certificates as a reduction of the charges due on their water-right applications.

When the water user desires to turn in these certificates he presents them to the fiscal agent of the Reclamation Service, who gives him an appropriate receipt for the certificates. The engineer in charge then makes a statement of the charges due on the specific tract designated in the water user's application for water right and indicates the reduction on account of the surrendered certificates, recommending that an equitable apportionment of the charges assessed against the lands be declared in accordance with the balance stated.

The Director of the Reclamation Service thereupon recommends that the charges against the land described in the specific water-right application be reduced to the amount recommended by the engineer and that said amount be declared an equitable apportionment of the charges. Pursuant to this, the Secretary of the Interior issues a public notice, declaring the specific amount reported to him to be an equitable apportionment of the water-right charges due for the installment or portions of the installment for the lands described in the application, with a view of returning to the reclamation fund the estimated cost of construction. The Commissioner of the General Land Office then notifies the receiver of the local land office of this public notice and directs him to receipt for the cash paid in pursuance of the statement as the full amount of the water-right charges for the stated installment or portions of installment.

This equitable apportionment of the charges is made in pursuance of the provisions of section 4 of the reclamation act, which provides that the Secretary of the Interior shall fix the charges to be paid under each project: "The said charges shall be determined with a view of returning to the reclamation fund the estimated cost of construction of the project, and shall be apportioned equitably. \* \* \*

The effect of this operation is that a man who desires to pay the operation and maintenance charge which is required at the beginning of the irrigation season having 80 acres owes \$32. He presents himself at the office of the Reclamation Service with \$30 in certificates and \$2 in cash and asks that the amount of his obligation to the United States for operation and maintenance for the current year be reduced to \$2 in view of the fact that by reason of his work it has cost the United States \$30 less for completing the second lateral district, and that accordingly the United States could not justly charge against the water users the full building charge of \$35 per acre and annual operation and maintenance charge for the entire district, but should make a reduction from the total charges collected from the district of \$30 on account of the work that he has done.

A similar reduction would be made on account of the work done by his neighbor, and so on indefinitely, each man who has contributed to reducing the cost of this district receiving corresponding reduction in the charges due from him to the United States.

Various phases of this matter are discussed in the pamphlet entitled "Cooperative Certificates," notably beginning on page 5. Attention is invited to the statement of conditions on the following pages, 6 and 7.

There is also submitted herewith for consideration a manuscript entitled, "Discussion of the legality of the policy and methods involved in the plan for cooperative construction of reclamation projects by the settlers thereon." This dwells particularly

on the fiscal side of the matter and shows that there was in the reclamation fund at the time of the execution of the agreement of March 3, 1908, and at all times subsequent, an amount largely in excess of all possible liabilities (p. 64 of the manuscript). Much of this balance has been allowed to accumulate to meet all possible contingencies and to enable the systematic development of the various projects in accordance with the requirements of law and of the physical conditions to be met.

There is also transmitted a sample of a certificate of the North Platte Valley Water Users' Association, together with a form (7-458) reporting the cancellation of the certificates, this being:

First. A statement by the engineer as to the surrender of certificates and recommendation that the water-right charges be reduced on a certain tract of land.

Second. A recommendation of the Director of the Reclamation Service to the Secretary that a certain amount be declared an equitable apportionment of the charges.

Third. Public notice by the Secretary, declaring the amount recommended to be an equitable apportionment.

Fourth. Instructions by the Commissioner of the General Land Office to the receiver of public moneys to accept the amount stated.

This simple method of handling the matter avoids a large expenditure on the part of the Government, following in this respect the established usage of the country.

Very respectfully,

F. H. NEWELL, *Director.*

1581

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
*Washington, D. C., July 31, 1909.*

THE SECRETARY OF THE INTERIOR.

SIR: Departmental letter of July 20, directed this office to submit for consideration of the Attorney-General a concrete case arising in connection with the plan of cooperation in western Nebraska. The Attorney-General has intimated his willingness to consider such a case, which in departmental letter of the same date to the President is stated to be understood as a motion for review of the opinion of the Attorney-General.

The contract considered by the Attorney-General, namely, that made with the Grand Valley Water Users' Association, is entirely different from the cooperative contracts made with other water users' associations. The Grand Valley contract was, in fact, preliminary to a further contract which would have been made on the ordinary cooperative contract form.

The Grand Valley contract provided that the Grand Valley Water Users' Association would furnish \$125,000 in money and labor to be expended on the basis of the usual cooperation contract.

One of the principal objections found by the Attorney-General to this contract was the fact that the money furnished by the Grand Valley Water Users' Association provided another fund for the reclamation work, that the money subscribed is not in, nor does it go into the reclamation fund, and that there is no security that it will be in that fund or that the work agreed upon will be done. This feature is entirely absent from the ordinary cooperative contract, because the associations advance no money whatever to the Government in such cases.

The cooperative contract for the North Platte project involved the work of constructing a distributing system connected with the main canal in order that water might be furnished to settlers on the area covered in what is known as the "second lateral district" in 1909 instead of 1910 as had been planned.

The project is a very extensive one, involving the ultimate irrigation of nearly 300,000 acres of irrigable land. The project has been divided into sections, known as "lateral districts," which can be completed as parts of the whole project under the authority of section 4 of the reclamation act.

The first lateral district was completed in 1907 and the main supply system for the second lateral district was planned to be constructed in 1908; the distributing system to be constructed in 1909, and the water to be furnished in 1910.

The moneys available in the reclamation fund had been divided among the 30 projects in the several States and Territories according to a definite plan of operations from year to year and with a view of meeting the requirements of section 9 of the reclamation act, regarding the distribution of expenditures among the States and Territories.

Plans had been made to reach this equalization in 1912, so that the construction of the second lateral district in 1908 would have interfered with the entire adjustment. The Secretary could have made funds available by the postponement of work on other projects and could have allotted funds for the work on the second lateral district in

1908; the result would have been the disbandment of trained forces and the idleness of expensive plant and equipment on other projects.

The cooperative plan consists in the United States making a contract with the Water Users' Association by which the association agrees to perform certain work within certain maximum prices, the work to become the property of the United States upon acceptance. Payment is made by the association in certificates of work performed, which are to be accepted by the United States in reduction of charges against particular tracts, as an equitable apportionment thereof. (Sec. 4.)

Transmitted herewith is a letter signed by the director under date of July 24, in which the facts and conditions are set out in detail and full explanations made of the administrative features. Said letter is accompanied by exhibits showing the regulations and the procedure and also an exhibit discussing some of the fiscal and legal features.

Very respectfully,

MORRIS BIEN, *Acting Director.*

STATEMENT OF F. H. NEWELL BEFORE NATIONAL IRRIGATION CONGRESS, SPOKANE, WASH., AUGUST 9, 1909.

3717 Mr. FAIRWEATHER. They say the field work already is being pushed as fast as is consistent with the experience of the Government and with the money in hand to complete the work already begun.

Mr. NEWELL. That gets on pretty delicate ground. I do not think, frankly, that we are pushing it as fast as good business would dictate, but we are pushing 3718 just as fast as we can get the money. Now, it is up to you, gentlemen, citizens and taxpayers and voters, to say how fast we shall get money more than the rate at which we are getting it. We are pushing the work as rapidly as we can, but if we had twice as much money we could go twice as fast and satisfy twice as many people. Now, as it is, at the conference at Portland last week of the Reclamation Service engineers, each man brought in the claims of his particular part of the country, and those claims aggregate \$27,000,000 for work that ought to be taken up right away, and we had to shave that \$27,000,000 down into \$11,000,000, so that after the conference was over each man individually came to me with a tale of woe that he was absolutely ruined if he could not have what he ought to, and felt that I had some particular grudge against him because I did not give him more money. Of course, I was not the man that was handing it out, but I am the man that gets the blame. So that to answer Judge Fairweather's question, if we had more money we could, of course, complete more work in quick time. Now, we have large investments made which are practically dormant. In Wyoming it is tied up and only a portion of the water being used now. The Nicholson Channel is just finished in Colorado, and we can not utilize that to the fullest extent immediately because more money must be had for extending the system. The condition is exactly as it is in your own private affairs or business, where, if you had twice or three times as much money, you would use it. [Applause.]

1581

DEPARTMENT OF THE INTERIOR,  
*Washington, August 20, 1909.*

MY DEAR MR. ATTORNEY-GENERAL: As you know, Senator Burkett, of Nebraska, has complained somewhat of your construction of the "cooperative certificate plan of the Reclamation Service," embodied in your opinion of May 26, 1909.

On the 20th of July the President sent Senator Burkett's letter to this department.

I inclose a copy of my letter to the President, dated July 20, 1909.

1582 The Senator's letter was then transmitted directly to the Secretary at Seattle, Wash. I herewith inclose you a copy of the Secretary's letter to the President, dated July 26.

We have submitted to-day to your office a statement of facts covering the North Platte project in Nebraska, in pursuance of Senator Burkett's desire. The department would esteem it a very great favor if you could take this matter up at an early date and submit to us such further or additional opinion as you think the facts warrant. You will note that I stated in my letter to the President that you would probably treat this new statement of facts as a motion to review your opinion and give the matter further study and investigation.

Permit me, my dear sir, to convey to you the confidence and respect which this department has in you.

Very sincerely, yours,

FRANK PIERCE,  
*Acting Secretary.*

HON. GEORGE W. WICKERSHAM,  
*Attorney-General, 44 West Forty-fourth street, New York City.*

The honorable the ATTORNEY-GENERAL.

SIR: There has been prepared and is submitted herewith a new statement of facts covering the cooperative plan of the Reclamation Service with special reference to the situation on the North Platte project in Nebraska in pursuance of Senator Burdett's desire to have the Attorney-General give further consideration to the matter.

The papers in question consist of "Statement of facts relative to North Platte reclamation project and proposed contract with the North Platte Water Users' Association," dated August 5, 1909, and the several exhibits therein specifically listed.

Very respectfully,

FRANK PIERCE, *Acting Secretary.*

STATEMENT OF FACTS RELATIVE TO NORTH PLATTE RECLAMATION PROJECT AND PROPOSED  
CONTRACT WITH THE NORTH PLATTE WATER USERS' ASSOCIATION.

AUGUST 5, 1909.

Pursuant to the provisions of the reclamation act, approved June 17, 1902 (32 Stat., 388), the Secretary of the Interior has located and established the North Platte project, which as planned involves the ultimate irrigation and reclamation of nearly 300,000 acres of land, map thereof being hereto attached and marked "Exhibit A."

In accordance with the provisions of section 4 of said act, the territory within the project has been divided into "such portions or sections as it may be practicable to construct or complete as parts of the whole project," each section being designated "lateral district," the first of which (lateral district No. 1) was completed by the Government.

With reference to lateral district No. 2, numerous requests were received for its construction, with which the Government found it impracticable to comply, for reasons which follow:

There were (and still are) 30 projects in process of construction and development; in the administration of the reclamation act, the Secretary of the Interior is required to lay out plans for construction and to determine, in advance, the amount of money available for each project—in other words, to apportion to each project the amount to be expended thereon during a given period—such apportionment being made with a view to complying with the provisions of section 9 of the act, requiring the Secretary, so far as practicable, to expend the major portion of the funds arising from the sale of public lands within each State and Territory named within the limits of such State, and to restore as soon as practicable any funds expended in any State or Territory in excess of such requirement. Under the distribution and apportionment at the time in effect no funds were available for the construction of said second lateral district and could not be made available without changing the entire programme for the then present and future work, upon which the apportionment of funds had been made. Such change would have interfered with work on other projects and was deemed inadvisable and inexpedient.

To accomplish the construction of the works required for the second lateral district in the North Platte project, other than concrete structures and the supplying  
1583 of certain materials, without using moneys in the reclamation fund, the Government entered into a contract with a local corporation known as North Platte Valley Water Users' Association, in the form hereto attached, marked "Exhibit B," by the terms of which (art. 4) the association agreed to pay for the work done in "certificates of approved form," which "shall be receivable in payments on water-right charges levied by the Secretary of the Interior, as provided by the departmental regulations."

The services called for by said contract were performed by the association and certificates to the amount of \$35,199.86 issued, of which over \$21,000 is outstanding. The Government supplied, through the reclamation fund, concrete structures and certain materials used, such as reinforcing steel, lumber, etc.

(Form of certificate is hereto attached, marked "Exhibit C," and said regulations, dated, respectively, February 21 and May 28, 1908, are also attached, marked, respectively, "D" and "E." A general circular of the latter date is also attached, marked "F.")

Section 5 of the act provides that annual installments due from persons within the area of the project shall be paid to the receiver of the coal land office; to meet this requirement the installment due from any person presenting a certificate in the form of Exhibit C has been remitted or reduced by deducting from the amount thereof the sum recited in such certificate, such deduction being accomplished by means of a process called "equitable apportionment of charges," consisting of a document signed



by the Reclamation Service officers, a public order signed by the Secretary fixing the amount of the installment at the balance remaining after such deduction, and a direction by the Commissioner of the General Land Office to the receiver of the local land office to accept said sum as the full installment due.

(Form of the document containing all of the last-mentioned matters is marked "Exhibit G.")

It will be observed that this plan did not involve the advancement of any money by any person, as was the case in the Grand Valley matter recently considered by the Attorney-General. The Reclamation Service deems this circumstance of importance, and differentiates the proposed North Platte plan from the one heretofore considered.

The matter is submitted for the purpose of ascertaining whether there is such a difference, and whether, in the opinion of the Attorney-General, the views announced in his communication to the Secretary of the Interior of May 26, 1909, control the proposed arrangement and prevent its consummation as being in contravention of the law.

For the information of the Attorney-General the following papers are submitted herewith:

1. Argument from the Director of the Reclamation Service in the form of letters to the Secretary of the Interior dated July 24 and 31, 1909.
2. Discussion prepared by the Reclamation Service of your opinion of May 26.
3. Senate Document, Sixtieth Congress, first session, No. 507, setting forth hearings before the Committee on Irrigation on May 18, 1908, upon the issue of certificates by water users' associations; and
4. Public notices and regulations concerning the North Platte project.

In the first lateral district the lands entered or subject to entry under the reclamation act amount to 25,605 acres, and in the second lateral district 17,023 acres.

DEPARTMENT OF JUSTICE,  
*Washington, September 8, 1909.*

The honorable the SECRETARY OF THE INTERIOR.

SIR: I am in receipt of your letter of the 21st ultimo transmitting to me a statement of facts covering the cooperative plan of the Reclamation Service with special reference to the so-called North Platte project in Nebraska, which, it is suggested, so differs from the Grand Valley Water Users' Association plan, which was referred to in my opinion rendered to you under date of May 26, 1909, as to call for a different conclusion. The Acting Director of the Reclamation Service, Mr. Morris Bien, in his communication to you dated July 31, 1909, referring to the Grand Valley contract, says:

"One of the principal objections found by the Attorney-General to this contract was the fact that the money furnished by the Grand Valley Water Users' Association provided another fund for the reclamation work; that the money subscribed is not in, nor does it go into, the reclamation fund, and that there is no security that it will be in that fund or that the work agreed upon will be done. This feature is entirely absent from the ordinary cooperative contract, because the associations advance no money whatever to the Government in such cases."

This paragraph evidences a misapprehension of the objection to the proposed contract which was before me. That objection was not that the moneys subscribed by the water users' association was not in the reclamation fund, but that the reclamation fund by the statute was created from the proceeds of the sale of government lands, there was no provision for augmenting it by private enterprise, and that the power of the Secretary of the Interior to let contracts for reclamation projects was, under the law, specifically restricted to the extent of contracting for expenditures not exceeding the amount of moneys available in the reclamation fund as constituted by law. But the plan now submitted for consideration is described in the letter of the acting director as follows:

"The cooperative plan consists in the United States making a contract with the water users' association by which the association agrees to perform certain work within certain maximum prices, the work to become the property of the United States upon acceptance. Payment is made by the association in certificates of work performed, which are to be accepted by the United States in reduction of charges against particular tracts, as an equitable apportionment thereof."

The question which therefore at once arises is by what authority any one assumes to make this particular form of contract in the name of the United States.

Section 3732 of the Revised Statutes enacts as follows:

"No contract or purchase on behalf of the United States shall be made unless the same is authorized by law or is under an appropriation adequate to its fulfillment,

except in the War and Navy Departments, for clothing, subsistence, forage, fuel; quarters, or transportation, which, however, shall not exceed the necessities of the current year."

This act has been several times construed in the opinions of the Attorneys-General. Thus, Attorney-General Clifford (4 Op., 600) says:

"The prohibition is too explicit and comprehensive to be overcome by any rule of construction known to the law. Whenever Congress has intended a departure from the statutory rule mentioned in the act of 1820, the authority to contract, it would seem, has been conferred by express words."

Attorney-General Devens (15 Op., 235, 240) says:

"In order that a contract should be authorized by law, it must appear either that express authority was given to make such contract, or that it was necessarily to be inferred from some duty imposed upon, or from some authority given to, the person assuming to contract on behalf of the United States."

And Acting Attorney-General Taft (19 Op., 650, 654) says:

"The first clause of section 3732 applies to direct authority to contract granted by statute; the second clause covers an implied authority arising out of the appropriation of means to fulfill. The two sections cited are held to be construed together. If public moneys are involved, an appropriation may give power to contract. If public moneys are not involved, the department is prohibited from making the contract 'unless authorized by law.'"

As was pointed out in the previous opinion, the Secretary of the Interior by the act of 1902 is given express authority to let contracts for the construction of reclamation works only "provided the necessary funds \* \* \* are available in the reclamation fund." If they are, then the authority of the Secretary to enter into a contract involving expenditures not exceeding the funds so available, under the terms of the act, is express. If the necessary funds are not available in the reclamation fund, no such authority exists.

I can see no difference whatever between the principles governing the contract in the North Platte project and those which were applicable to the Grand Valley contract, except perhaps that in the North Platte project, the matter is worked out more in detail. In the North Platte project, as in the Grand Valley, cooperation between the United States and the private association of water users was brought about by contract, under which the water-users' association undertook to do a portion of the work of completing a reclamation project, receiving certificates to the value of the work so done by them, which certificates are to be accepted in payment by the Government on account of the actual periodical payments required by the act to be made by those who enter upon the lands so reclaimed. These certificates are described by the Director of the Reclamation Service to represent "the value of work done or materials furnished in connection with the construction of the distribution system, and in surrendering the certificates each person, in accordance with the regulations and article 6 of the contract, transfers any right or interest he may have in the work performed and in return therefor receives a reduction of the water-right charges which are due from him to the United States on account of a certain definite tract of land. This reduction becomes a set-off against the amount which he owes the United States on account of this charge on the land."

I find no authority whatever under any statute for any officer to permit such a reduction as a set-off against an amount due to the United States on account of the charges referred to. While it may well be that the reasons for embarking upon 1585 such a cooperative scheme, which are set forth by the director in his communication, would appeal to the legislative branch of the Government, they can not, in my opinion, operate to extend the statutory authority of the head of the department to make contracts for which "the necessary funds" are not available in the "reclamation fund" as constituted by the act of Congress.

Respectfully, yours,

GEO. W. WICKERSHAM,  
*Attorney-General.*

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DEPARTMENT OF THE INTERIOR,  
*Washington, September 9, 1909.*

The DIRECTOR OF THE RECLAMATION SERVICE.

SIR: I inclose herewith copy of opinion of the Attorney-General, dated September 8, 1909, with reference to the "cooperative plan" for the construction of reclamation works in the North Platte project, Nebraska, and other reclamation projects.

In view of said opinion, you are directed to receive no more cooperation certificates or to allow credits for work done as a set-off against an amount due the United States because of construction, operation, or maintenance charges. You will also take

prompt action, first submitting plan to this department for approval, looking toward the payment of claims evidenced by outstanding certificates in cash from the reclamation fund as rapidly as presented and as the condition of the reclamation fund will warrant.

In this connection you will promptly report to this office the amount of certificates and credits outstanding as the result of the "cooperative arrangements," and whether sufficient funds are now available in the reclamation fund to satisfy the same by cash payments.

Very respectfully,

R. A. BALLINGER, *Secretary.*

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DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
OFFICE OF THE DIRECTOR,  
Washington, D. C., September 17, 1909.

The SECRETARY OF THE INTERIOR.

SIR: Your letter of September 9, 1909, requested that as soon as possible you be advised of the total amount of cooperation certificates at present outstanding.

Complete information is not at hand for a statement of the amount outstanding at the present time. Each of the projects has been requested to report definitely the total amount.

From the regular bookkeeping records, however, which are complete to July 31, the following statement has been made up:

3673

*Amount of certificates outstanding.*

Project:

Salt River.....	\$21,880.38
Minidoka.....	41,094.66
Payette-Boise.....	238,457.72
Milk River.....	26,341.03
North Platte.....	21,384.26
Truckee-Carson.....	9,855.08
Klamath.....	207.50
Yakima.....	21,836.86
Total.....	381,057.49

In addition to the above, work has been done on the Williston project under the cooperation arrangement, but certificates have not been issued. The amount is small and will be reported at a later date.

On the Minidoka project, in addition to the above, which represents the outstanding certificates, there are special lateral credits which have been allowed, but for which no certificates have been issued. A portion of these credits have been passed. The amount of the balance will be reported as soon as it can be determined.

Very respectfully,

MORRIS BIEN, *Acting Director.*

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TREASURY DEPARTMENT,  
OFFICE OF COMPTROLLER OF THE TREASURY,  
Washington, November 11, 1909.

The honorable the SECRETARY OF THE INTERIOR.

SIR: You request my decision of the questions stated in your letter of October 18, 1909, under the facts appearing therein as follows:

"With a view of ascertaining the proper procedure to be followed in carrying out the Attorney-General's suggestion that cash payments be made for unsettled balance of the work and materials secured by the Reclamation Service under what is known as the 'cooperative plan' of construction, advance decisions by the Comptroller of the Treasury are desired upon certain questions involved in the proposition. There are accordingly submitted herewith:

"1. Copy of contract dated April 25, 1906, with North Platte Valley Water Users' Association as to certain general matters connected with the construction of the North Platte project.

"2 (a, b, and c). Copies of the public notices on the North Platte project issued under section 4 of the reclamation act of June 17, 1902 (32 Stat., 388).

"3 (a and b). Copies of the forms of water-right applications for use on public and private lands.

"4. Copy of contract dated March 3, 1908, with said association providing for certain construction under the 'cooperative plan' on the North Platte project.

"5 (a and b). Copies of the Attorney-General's opinions of May 26 and September 8, 1909, by which it is held that there was no authority for the negotiations of the cooperative contract of March 3, 1908, and similar agreements.

"The North Platte case involves every condition that obtains on any project and was the case under special consideration resulting in the Attorney-General's opinion of September 8, 1909.

"There are three parties or groups interested in the subject-matter, viz, the United States, the Water Users' Association, and the settlers or water users who will be referred to herein as water-right applicants. Under the public notices, and water-right applications filed thereunder, contractual relations exist between the United States and the water-right applicants, including an agreement to pay certain charges assessed against their lands, which are referred to herein as water-right charges. Under the contract of April 25, 1906, contractual relations exist between the United States and the association, and paragraph 5 provides that this relation shall include a guaranty by the association for the payment to the United States of the water-right charges assessed against the lands of its members (water-right applicants). In addition to these relations, the cooperative agreement of March 3, 1908, attempted to establish other contractual relations between the United States and the association, whereby the latter undertook to furnish certain necessary work and materials in consideration of securing therefor an equitable apportionment under the provisions of section 4 of the reclamation act for the value received by the United States, by a pro tanto reduction of the water-right charges assessed its members, and guaranteed by it.

"The association then advertised for and received proposals for the execution of certain construction work, and, under the supervision of the service, let contracts therefor, largely with persons who were water-right applicants. In making their proposals, executing their contracts, and receiving their settlements, these applicants dealt with the officers of the association. In performing the work they received directions as to locality, quantity, and quality of work to be done from the engineers of the service.

"The present situation is as follows:

"Conformable to the terms of the cooperation agreement, the association has furnished work and material at agreed prices to a total value of \$33,773.84, and for this the service has registered cooperation certificates issued by the association in an equal amount, agreeing thereby to accept these certificates when presented by water-right applicants in pro tanto reduction of the water-right charges assessed against their lands for the costs of building and of operation and maintenance.

1586 "These certificates, after registration, were returned to the association for delivery to the persons who performed the work and furnished the material.

"Of the total registered issue of \$33,773.84, certificates amounting to \$12,320.48 had been presented to and accepted by the project engineer prior to September 11, 1909, the date when telegraphic notice of the opinion of September 8, 1909, was received in the project office with orders to cease accepting certificates. The certificates so accepted were thereupon applied in reduction of water-right charges in accordance with the terms of the agreement. There are now outstanding, in the hands of private holders, certificates amounting to \$21,453.36, which sum represents the agreed value to the service for the work secured by it for which a final settlement by application in reduction of charges has not yet been made.

"The service does not know by whom these certificates are now held, but they may be, and probably are, in the hands of (a) water-right applicants who performed the work represented by their certificates; (b) water-right applicants who have purchased certificates for work performed by other persons; and (c) persons, not water-right applicants, who hold certificates for work performed by themselves or others from whom they have been purchased. Under the agreement these certificates would have been receivable by the United States only from water-right applicants.

"The particular work represented by any particular certificate for fifty or ten dollars, or some less amount, can not usually be determined from the service records, but the total monthly work for which a monthly issue of certificates was registered can be fully shown. Moreover, the association's records, which, according to article 5 of the agreement of March 3, 1908, are open to the service, show by whom the work and material was supplied, and also what certificates were delivered to each person in temporary settlement therefor.

"The Attorney-General having held that cooperative agreements such as that of March 3, 1908, were unwarranted, and that the outstanding certificates should not be

received and applied pro tanto in equitable apportionment of water-right charges, it is necessary to find some means of making settlement for the work secured by the service, and of coincidentally retiring and canceling the outstanding certificates representing such work. That the proper claimant is entitled to a settlement for the value of the work and material furnished, and that the agreement of March 3, 1908, and the supplementary agreements and certificates issued thereunder, though unwarranted, are admissible evidence as to such value seems clear.

"Where a parol agreement (of such a nature as to be held void) has been wholly or partially executed and performed on one side, the party performing will be entitled to recover such value as upon an implied contract for a quantum meruit and 'This value, in the absence of any other evidence on the subject, may be fairly assumed at what was stipulated for in the parol contract.' (Clark v. United States (95 U. S., 539)).

"There are sufficient moneys in the reclamation fund from which cash payments can be made, and therefore, in order to determine to whom such payments can or should be made, decisions are desired upon the following questions:

"First. Can cash payments be made to those water-right applicants who hold certificates representing work furnished by them under their contracts with the association, they also being indebted to the United States for water-right charges?

"Second. Can cash payments be made to those water-right applicants who hold certificates representing work furnished by other persons under contract with the association, such applicants also being indebted to the United States for water-right charges?

"Third. Can cash payments be made to those persons not water-right applicants who hold certificates representing work furnished either by themselves or others under contract with the association?

"Fourth. (a) Can cash payments be made to the North Platte Valley Water Users' Association for the value of all unsettled-for work as evidenced by the outstanding certificates, the association also being a guarantor of all water-right charges due to the United States from the water-right applicants? and (b) if so, does any duty devolve upon the service to insure that proper payments are made by the association to the persons who actually performed the work, or to the persons now holding the certificates?

"The foregoing questions are all asked with the understanding that any cash payments or other settlements would be made only upon the surrender and cancellation of the outstanding cooperation certificates representing the work, for, even though the certificates were registered under a void contract, such cancellation seems desirable to certainly extinguish all claims upon the United States.

Fifth. Assuming that affirmative answers will be given to all or some of the foregoing four questions, will the presentation of uncanceled cooperation certificates, which are known to have been properly issued and registered, and which have not previously been redeemed, be sufficient evidence of a right in the holder to 1587 receive payment from the United States of the amount represented thereby?

It has been pointed out herein that, while the entire work furnished by the association can be stated accurately from service records, the work supplied for the association by its several members can not be ascertained except by the use of the records of the association.

"Supplementing the foregoing statement of facts from which we have endeavored to eliminate all argument, it may be useful to add the position heretofore taken as to the settlements under these cooperative agreements.

"Assignment of claims against the United States is prohibited by section 3477, Revised Statutes, but it was considered that the claim in favor of the association for the work secured was settled directly with the association by the reduction of water-right charges assessed against the lands of members of the association, for which charges the association was a guarantor.

"The set-off of a debt due to the United States against one due by it was considered to be not only a practicable method of settlement, but one recognized as both proper and desirable for every officer to employ in such cases. As to the legality of such procedure, see 8 Comp. Dec., 26; 12 id., 180; McKnight v. U. S. (13 Ct. Cls., 306); Bonnafon v. U. S. (14 Ct. Cls., 489); Gratiot v. U. S. (15 Pet., 370). As to the desirability of such procedure by administrative officers, see 7 Comp. Dec., 218, and 12 id., 180."

The contract submitted as a sample, under which the work for which it is proposed to make payments was performed, was made by Andrew Weiss, project engineer, United States Reclamation Service, for and on behalf of the United States of America, with the North Platte Valley Water Users' Association, a corporation, on March 3, 1908, and provided that:

"The maximum unit prices to be paid by the association for the North Platte project, Nebraska, shall be as follows:

#### *Excavation.*

Class 1.....	per cubic yard..	\$0. 15
Class 2.....	do.....	. 60
Class 3.....	do.....	. 75
Class 4.....	do.....	1. 00
Concrete.....	do.....	9. 00
Placing headgates.....	each..	12. 00

The following specifications shall control in the work:

#### **EXCAVATION.**

"Classification of material: All material excavated will be measured in excavation only and estimated by the cubic yard under the following classes:

"Class 1. All material that can be plowed by a 4-horse or a 4-mule team, each animal weighing not less than 1,400 pounds, attached to a suitable plow, all well handled by at least three men; also all material that can without plowing be handled with scrapers.

"Class 2. Indurated material of all kinds that can not be plowed, as described under class 1, or that requires loosening by powder and can be removed in scrapers.

"Class 3. All material in which large rock occurs to such an extent as to prevent the use of plow or scraper, but excluding masses exceeding 1 cubic yard in volume.

"Class 4. All rock not included in classes 1, 2, and 3 that requires systematic drilling and blasting for its removal.

#### **CONCRETE.**

"The price paid for concrete shall cover all work in connection with building concrete structures, including forms, procuring gravel, sand, water, and all other materials required, except cement, which will be furnished by the United States. Where reinforcement is required, 2 cents per pound will be paid for all reinforcing metal placed in the work. The price paid will include the cost of hauling the cement from the nearest government warehouse on the railroad to the site of the work.

#### **PLACING HEAD GATES.**

"The price paid for placing head gates will include all labor necessary to excavate for the head gates, constructing the same, and back filling around the complete structure. When constructed of timber, the lumber will be furnished at Mitchell, Nebr., and must be hauled by the party doing the work without extra compensation. When constructed of concrete, all material except cement must be furnished by the 1588 party doing the work. Cement will be furnished by the Reclamation Service at Mitchell, Nebr.

"Art. 2. The association shall advertise for competitive bids, and the work shall be let at the lowest and best prices obtainable, provided that such rates shall not exceed those above stated. Competition may be waived in specific cases with the approval of the director. The prices named in article 1 shall, unless modified by supplemental agreement, be the maximum for the current calendar year.

"(a) Upon such work as may be done by force account the following scale of wages shall prevail:

For common labor.....	per hour..	\$0. 30
For skilled labor.....	do.....	. 35 to . 45
For man and 2-horse team with harness and wagon.....	do.....	. 56
For 2-horse team, harness and wagon and forage.....	per month..	25. 00

"(b) All work carried on by force account will be carried on under foreman appointed by the engineer, United States Reclamation Service. On such work eight hours shall constitute a day's work.

"Art. 3. All work shall be done in accordance with the plans and specifications of the Reclamation Service filed with the association, and appropriately identified as part of this contract and subject to direct supervision and approval by the engineer, who will check the records of the work done or supplies and material furnished by each person, as kept by the association.

"Art. 4. The association shall make all payments for work done under the terms of the agreement in certificates of approved form, and when approved by the engineer such certificates shall be receivable in payments on water-right charges levied by the Secretary of the Interior, as provided by departmental regulations."

Article 6 of the contract provides that—

"All work constructed under the terms of this agreement shall become the property of the United States, subject to all laws, rules, and regulations of the Government and particularly of the reclamation act and the agreements thereunder for the construction and control of the North Platte project."

Article 5 of said contract provides:

"That the said water users' association hereby guarantees the payments for that part of the cost of the irrigation works which shall be apportioned by the Secretary of the Interior to its shareholders." \* \* \*

The contract under which it is now proposed to make the cash payments referred to in your questions have been held to be void by the Attorney-General in opinions rendered by him on May 26, 1909, and September 8, 1909, respectively.

It is not considered necessary therefore to set out said contract further than as above. Such contracts, at least so far as they are executory, are certainly void. To the extent, however, that they have been executed, such invalidity might be held to be immaterial (*United States v. Andrews*, 207 U. S., 229, 243).

The contract did not contemplate any payment to the North Platte Valley Water Users' Association as a corporation, but that all payments by the United States should ultimately be made to the members of that association individually by means of certificates to be issued, to be used as a set-off or reduction of water-right charges by the members of the said association.

The Secretary of the Interior in submitting the request on which the opinion of the Attorney-General of May 26, 1909, was rendered, propounded the specific inquiry:

"If you find that the law does not authorize or permit such cooperation, whether the United States is warranted in honoring and accepting all cooperation certificates already issued on the various projects or whether the only relief which may be extended to those who have performed labor or furnished moneys, materials, or supplies, will be in an act of Congress authorizing the payment to them of the money value of such labor, supplies, or material."

The Attorney-General answered this question as follows:

"These certificates having been issued under an unwarranted contract can not be received as credits for the charges imposed upon the land under the statute. They can not be used by the original payee or transferee as a discharge pro tanto of his indebtedness, but they are evidence of work performed, proper and necessary in the construction and maintenance of the irrigation work done under the supervision and inspection of the Chief Engineer, and certified to be correct, as memoranda for that officer. In this view I think the work may be paid for as upon quantum meruit, if there are funds in the reclamation fund. This may cause confusion by reason of the irregularity of the procedure, but, upon familiar principles, would seem to be equitable to the person furnishing the material and work. It precludes the recognition of the association as a joint participant in any way. It becomes a trans-

1589 action between the person performing the services and the officers of the Government charged with the duty of construction. If the money necessary does not come into the reclamation fund in the manner prescribed in the act, the parties have no remedy except in an application to Congress for an appropriation or for an amended act, providing in the way suggested by the contract, or some similar way, for credit upon charges on the land."

As I understand the purport of this opinion, it is to the effect that the value of the work done under the void contract may be paid from the reclamation fund to the persons who did such work; that the only purpose for which the certificates can be used is as evidence of the amount of work performed and by whom; that the certificates can not be used by the original payee or transferee as a discharge pro tanto of his indebtedness; and that the association can not be recognized as a joint participant in any way.

In the request of the Secretary of the Interior, on which the opinion of September 8, 1909, was rendered, a distinction was suggested between the procedure in the North Platte project and the Grand Valley Water Users' Association plan, on which the opinion of May 26, 1909, was rendered.

After a review of the case the Attorney-General said:

"I can see no difference whatever between the principles governing the contract in the North Platte project and those which were applicable to the Grand Valley contract, except perhaps in the North Platte project the matter is worked out more in detail. In the North Platte project, as in the Grand Valley, cooperation between the United States and the private association of water users was brought about by con-

tract under which the water users undertook to do a portion of the work of completing a reclamation project, receiving certificates to the value of the work so done by them, which certificates are to be accepted in payment by the Government on account of the actual periodical payments required by the act to be made by those who enter upon land so reclaimed. These certificates are described by the Director of the Reclamation Service to represent—

“The value of work done or materials furnished in connection with the construction of the distribution system, and in surrendering the certificates each person, in accordance with the regulations and article 6 of the contract, transfers any right or interest he may have in the work performed, and in return therefor received a reduction of the water-right charges, which are due from him to the United States on account of a certain definite tract of land. This reduction becomes a set-off against the amount which he owes the United States on account of this charge on the land.”

“I find no authority whatever under any statute for any officer to permit such a reduction as a set-off against an amount due to the United States on account of the charges referred to. While it may well be that the reasons for embarking upon a cooperative scheme, which are set forth by the director in his communication, would appeal to the legislative branch of the Government, they can not, in my opinion, operate to extend the statutory authority of the head of the department to make contracts for which ‘the necessary funds’ are not available in the ‘reclamation fund’ as constituted by act of Congress.”

The basic principle underlying the questions submitted to this office is found in a suggestion by the Director of the Reclamation Service that the amount due to the Government from water users for water rights may be set off against amounts due by the Government for labor and material furnished as evidenced by the certificates issued while the cooperative plan was in force.

The Attorney-General in his opinion of September 8, 1909, quoted above, said:

“I find no authority whatever under any statute for any officer to permit such a reduction as a set-off against an amount due the United States on account of the charges referred to.”

This would seem to dispose of the question as to your right to set off the amount due from water-right applicants against the amount due to such applicants.

I fully agree with the Attorney-General that no officer of the Government has a right to permit a reduction as a set-off of the water-right charges made under the act of June 17, 1902, on account of any debt that may be due from the United States to such water-right applicant.

These charges not being a proper subject-matter of set-off it is not necessary to consider the question as to whether any officer other than the Secretary of the Treasury could make or authorize such set-off or not. (See act of March 3, 1872, 18 Stat., 481.)

The questions submitted by you have so far been considered on the assumption that moneys were available in the fund to make payment.

The following statement is made by the Director of the Reclamation Service:

“There are sufficient moneys in the reclamation fund from which cash payments can be made, and therefore, in order to determine to whom such payments can or should be made, decisions are desired upon the following questions.”

1590 It is apparent from the manner in which the contract was made in this case that the Secretary of the Interior did not consider that the “necessary funds for such portions or sections of the project were available in the reclamation fund” at the time the contract was made.

With this understanding of the statement of the director, quoted above, the question now arises whether moneys coming into the fund after the making of such void contracts can be used to pay the persons who actually performed the work on these irrigation projects, notwithstanding the fact that the cooperative plan and contracts under which these works were accomplished were void because of want of authority to enter into such contracts.

It would appear from the language of the Attorney-General, in his opinion of May 26, 1909, *supra*, that he was of the opinion that moneys properly coming into the reclamation fund after these works were entered upon under the said void contracts, *supra*, could be used to pay the laborers on a quantum meruit who actually performed the work. He could have no other meaning than this when he says—

“If the money necessary does not come into the reclamation fund in the manner prescribed in the act, the parties have no remedy except in an application to Congress for an appropriation or for an amended act, providing in the way suggested by the contract, or some similar way, for credit upon charges on the land.”

The converse of the above proposition naturally follows, that if this necessary money does come into the reclamation fund, that it can be paid to the persons who performed the labor as upon a quantum meruit. The reclamation fund is not an annual appro-



priation, but an appropriation without year, and its use is not limited, as is an annual appropriation for payments to be made for service of any particular fiscal year. It is available to pay all valid legal indebtedness against it, regardless of the year or time when such indebtedness was incurred. Are the wages of the persons who performed the work on these irrigation projects, though rendered under invalid contracts, legal claims against the Government? It is true that section 4 of the reclamation act (32 Stat. L., p. 389) limits the Secretary of the Interior in contracting for the construction of irrigation projects to those only for which he has available money in the reclamation fund, but it does not follow that, because the Secretary of the Interior enters into a void executory contract, that when such contract is executed and the Government receives the benefits of such contract, that payments can not be made upon a quantum meruit to those persons who executed it and caused the Government to receive the results of their labor.

Section 3744 of the Revised Statutes provides that all executory contracts entered into by the Secretaries of War, Navy, and Interior, on behalf of the Government, shall be reduced to writing and signed at the end thereof by the contracting parties. It has been frequently held by the courts that contracts attempted to be entered into not observing the above requirements are void as executory contracts, but when executed are valid and binding upon the Government. (See 15 Compt., pp. 65 and 89, and authorities therein cited.)

It requires no great stretch of the facts in this case, in point of fact no stretch of facts, to hold that there was an implied contract on behalf of the Government to pay the laborers who performed the work and accomplished the reclamation works for which the certificates in question were issued the fair value of their services, and in the absence of other and different evidence these certificates may be taken to measure the value of such services, and the persons who performed such service can be paid from money now in the reclamation fund, provided such money is not pledged for some other and different project.

The first question is as follows:

"Can cash payments be made to those water-right applicants who hold certificates representing work furnished by them under their contract with the association, they also being indebted to the United States for water-right charges?"

Under the opinion of the Attorney-General of May 26, 1909, cash payments equal to the value of the work done or material furnished can be made to those who did the work or furnished the material. The certificates would be prima facie evidence of the value of the work done or material furnished. The fact that such holders of certificates may be indebted for water rights does not in any way affect your right to make payments to them for the amount of work shown to have been furnished by them by said certificates.

Your second question is:

"Can cash payments be made to those water-right applicants who hold certificates representing work furnished by other persons under contract with the association, such applicant also being indebted to the United States for water-right charges?"

Claims against the United States can not be assigned (sec. 3477, R. S.).

This question is therefore answered in the negative.

1591 Your third question is:

"Can cash payments be made to those persons not water-right applicants who hold certificates representing work furnished either by themselves or others under contract with the association?"

You can only make payment to persons who did the work or paid others for doing it for them. You would have no right to make a payment to the holder of a certificate as evidence of work done unless the holder thereof did the work or furnished the material or paid some other for doing it for him. You should pay the person who did the work or procured it to be done, regardless of who now holds the certificate or who is liable for water rights.

Your fourth question is (a):

"(a) Can cash payments be made to the North Platte Valley Water Users' Association for the value of all unsettled for work as evidenced by the outstanding certificates, the association also being a guarantor of all water-right charges due to the United States from the water-right applicants?"

This guaranty as to the United States is void and without consideration.

The cash payments for work should be made to the persons who did the work. If the association did the work it should be paid for the work and not for the certificates. If it did not do the work, no payment to it should be made.

"(b) If so, does any duty devolve upon the service to insure that proper payments are made by the association to the persons who actually performed the work or to the persons who are now holding the certificates?"

This is the second half of your fourth question and the answer to the first indicates the answer to this.

No duty devolves upon the Reclamation Service to see that the association makes any payments to any persons who performed work or hold certificates. It is the duty of the Reclamation Service to pay the persons who performed the service or procured its performance, regardless of who is now the holder of the certificates issued and leave the parties to work out their equities and legal rights among themselves.

Your fifth question is:

"Assuming that affirmative answers will be given to all or some of the foregoing four questions, will the presentation of uncanceled cooperative certificates, which are known to have been properly issued and registered, and which have not been previously redeemed, be sufficient evidence of a right in the holder to receive payment from the United States of the amount represented thereby? It has been pointed out herein that while the entire work furnished by the association can be stated accurately from service records, the work supplied for the association by its several members can not be ascertained except by the use of the records of the association."

As I understand your questions they all relate to the payment for work done under an attempted contract with the North Platte Valley Water Users' Association (Incorporated), dated March 3, 1908, for which certificates were issued in accordance with article 4 of said attempted contract, which provides:

"ART. 4. The association shall make all payments for work done under the terms of this agreement in certificates of approved form, and when approved by the engineer such certificates shall be receivable in payments on water-right charges levied by the Secretary of the Interior, as provided by departmental regulations."

In his opinion of September 8, 1909, the Attorney-General held that this contract was void.

In his opinion of May 26, 1909, he held on the question of payment for work under the cooperative plan for which certificates had been issued that the work performed might be paid for as upon a quantum meruit to the persons furnishing the materials and work. He further said that—

"This may cause confusion by reason of the irregularity of the procedure; but, upon familiar principles, would seem to be equitable to the persons furnishing the materials and work. It precludes the recognition of the association as a joint participant in any way. It becomes a transaction between the persons performing the services and the officers of the Government charged with the duty of construction."

Article 2 of the void contract under which the work was done on the North Platte project fixed the price upon such work as was done by the force as follows:

For common labor.....	per hour..	\$0.30
For skilled labor.....	do....	.35 to .40
For man and 2-horse team, with harness and wagon .....	do....	.36
For 2-horse team, harness, and wagon, with forage.....	per month..	25.00

"All work carried on by force account will be carried on under foreman appointed by the engineer, United States Reclamation Service. On such work eight hours a day shall constitute a day's work."

1592 I am of the opinion that this provision and article 4 amounted to a request on the part of the Government addressed to the persons who did the work under it to perform service at the prices therein named, and when the services were performed their value became a binding obligation on the Government, which was not discharged by issuing the void certificates provided for in article 4.

The holders of the certificates so issued have no right to the payment of the amount stated on their face simply because they are the holders. (The Floyd Acceptance cases, 7 Wall., 666, 676.)

Their right to payment arises not from the certificates but from the fact of performance of service, and this claim can not be transferred.

The certificates were intended to be sufficient evidence that the holder had performed the service, or had paid some one else to perform it, or had paid the original holder of such certificate its value. Where the certificates do not show on their face that they have been assigned they would be prima facie evidence that the holder performed the service or paid some one else to perform it for him. The holder of an unassigned certificate should therefore be presumed to have performed the service, and the presentation of the certificate would be sufficient evidence of this fact and would entitle him to payment. Where the certificates appear to have been assigned, the holder by assignment would not be entitled to payment. In such case the payment, if any, should be made to the person to whom the certificate was originally issued.

The inclosures are returned herewith.

Respectfully,

R. J. TRACEWELL, *Comptroller.*

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
Washington, D. C., October 18, 1909.

The honorable the SECRETARY OF THE INTERIOR.

SIR: With a view to ascertaining the proper procedure to be followed in carrying out the Attorney-General's suggestion that cash payments be made for the unsettled balance of the work and materials secured by the Reclamation Service under what is known as the "cooperative plan" of construction, advance decisions by the Comptroller of the Treasury are desired upon certain questions involved in the proposition. There are accordingly submitted herewith:

1. Copy of contract dated April 25, 1906, with North Platte Valley Water Users' Association as to certain general matters connected with the construction of the North Platte project.

2. *a*, *b*, and *c*—copies of the public notices on the North Platte project issued under section 4 of the reclamation act of June 17, 1902 (32 Stat., 388).

3. *a* and *b*—copies of the forms of water-right applications for use on public and private lands.

4. Copy of contract dated March 3, 1908, with said association providing for certain construction under the "cooperative plan" on the North Platte project.

3215 5. *a* and *b*—copies of the Attorney-General's opinions of May 26 and September 8, 1909, by which it is held that there was no authority for the negotiations of the cooperative contract of March 3, 1908, and similar agreements.

The North Platte case involves every condition that obtains on any project and was the case under special consideration resulting in the Attorney-General's opinion of September 8, 1909.

There are three parties or groups interested in the subject-matter—viz, the United States, the water users' association, and the settlers or water users who will be referred to herein as water-right applicants. Under the public notices, and water right applications filed thereunder, contractual relations exist between the United States and the water right applicants, including an agreement to pay certain charges assessed against their lands, which are referred to herein as water right charges. Under the contract of April 25, 1906, contractual relations exist between the United States and the association, and paragraph 5 provides that this relation shall include a guaranty by the association for the payment to the United States of the water right charges assessed against the lands of its members (water right applicants). In addition to these relations, the cooperative agreement of March 3, 1908, attempted to establish other contractual relations between the United States and the association, whereby the latter undertook to furnish certain necessary work and materials in consideration of securing therefor an equitable apportionment under the provisions of section 4 of the reclamation act for the value received by the United States, by a *pro tanto* reduction of the water right charges assessed its members, and guaranteed by it.

The association then advertised for and received proposals for the execution of certain construction work, and under the supervision of the service let contracts therefor largely with persons who were water-right applicants. In making their proposals, executing their contracts, and receiving their settlements, these applicants dealt with the officers of the association. In performing the work they received directions as to locality, quantity, and quality of work to be done from the engineers of the service.

The present situation is as follows:

Conformable to the terms of the cooperation agreement, the association has furnished work and material at agreed prices to a total value of \$33,773.84, and for this the service has registered cooperation certificates issued by the association in an equal amount, agreeing thereby to accept these certificates when presented by water-right applicants in *pro tanto* reduction of the water-right charges assessed against their lands for the costs of building and of operation and maintenance.

These certificates after registration were returned to the association for delivery to the persons who performed the work and furnished the material.

Of the total registered issue of \$33,773.84, certificates amounting to \$12,320.48 had been presented to and accepted by the project engineer prior to September 11, 1909, the date when telegraphic notice of the opinion of September 8, 1909, was received in the project office with orders to cease accepting certificates. The certificates so accepted were thereupon applied in reduction of water-right charges in accordance with the terms of the agreement. There are now outstanding, in the hands of private holders, certificates amounting to \$21,453.36, which sum represents the agreed value to

the service for the work secured by it for which a final settlement by application in reduction of charges has not yet been made.

The service does not know by whom these certificates are now held, but they may be, and probably are, in the hands of (a) water-right applicants who performed the work represented by their certificates; (b) water-right applicants who have purchased certificates for work performed by other persons; and (c) persons not water-right applicants who hold certificates for work performed by themselves or others from whom they have been purchased. Under the agreement these certificates would have been receivable by the United States only from water-right applicants.

The particular work represented by any particular certificate for fifty or ten dollars, or some less amount, can not usually be determined from the service records, but the total monthly work for which a monthly issue of certificates was registered can be fully shown. Moreover, the association's records, which, according to article 5 of the agreement of March 3, 1908, are open to the service, show by whom the work and material were supplied, and also what certificates were delivered to each person in temporary settlement therefor.

The Attorney-General having held that cooperative agreements, such as that of March 3, 1908, were unwarranted, and that the outstanding certificates should not be received and applied pro tanto in equitable apportionment of water-right charges, it is necessary to find some means of making settlement for the work secured by the service, and of coincidentally retiring and canceling the outstanding certificates representing such work. That the proper claimant is entitled to a settlement for 3216 the value of the work and material furnished, and that the agreement of March 3, 1908, and the supplementary agreements and certificates issued thereunder, though unwarranted, are admissible evidence as to such value seems clear.

"Where a parol agreement (of such a nature as to be held void) has been wholly or partially executed and performed on one side, the party performing \* \* \* will be entitled to recover such value as upon an implied contract for a quantum meruit," and this value, in the absence of any other evidence on the subject, may be fairly assumed at what was stipulated for in the parol contract. (*Clark v. United States*, 95 U. S., 539.)

There are sufficient moneys in the reclamation fund from which cash payments can be made, and, therefore, in order to determine to whom such payments can or should be made, decisions are desired upon the following questions:

First. Can cash payments be made to those water-right applicants who hold certificates representing work furnished by them under their contracts with the association, they also being indebted to the United States for water-right charges?

Second. Can cash payments be made to those water-right applicants who hold certificates representing work furnished by other persons under contract with the association, such applicants also being indebted to the United States for water-right charges?

Third. Can cash payments be made to those persons not water-right applicants who hold certificates representing work furnished either by themselves or others under contract with the association?

Fourth. (a) Can cash payments be made to the North Platte Valley Water Users' Association for the value of all unsettled-for work as evidenced by the outstanding certificates, the association also being a guarantor of all water-right charges due to the United States from the water-right applicants? And (b) if so, does any duty devolve upon the service to insure that proper payments are made by the association to the persons who actually performed the work, or to the persons now holding the certificates?

The foregoing questions are all asked with the understanding that any cash payments or other settlements would be made only upon the surrender and cancellation of the outstanding cooperation certificates representing the work; for, even though the certificates were registered under a void contract, such cancellation seems desirable to certainly extinguish all claims upon the United States.

Fifth. Assuming that affirmative answers will be given to all or some of the foregoing four questions, will the presentation of uncanceled cooperation certificates, which are known to have been properly issued and registered, and which have not previously been redeemed, be sufficient evidence of a right in the holder to receive payment from the United States of the amount represented thereby? It has been pointed out herein that while the entire work furnished by the association can be stated accurately from service records, the work supplied for the association by its several members can not be ascertained except by the use of the records of the association.

Supplementing the foregoing statement of facts, from which we have endeavored to eliminate all argument, it may be useful to add the position heretofore taken as to the settlements under these cooperative agreements.

Assignment of claims against the United States is prohibited by section 3477, Revised Statutes, but it was considered that the claim in favor of the association for the work secured was settled directly with the association by the reduction of water-right charges assessed against the lands of members of the association, for which charges the association was a guarantor.

The set-off of a debt due to the United States against one due by it was considered to be not only a practicable method of settlement, but one recognized as both proper and desirable for every officer to employ in such cases. (As to the legality of such procedure, see 8 Comp. Dec., 26; 12 id., 180; McKnight v. U. S., 13 Ct. Cls., 306; Bonnafon v. U. S., 14 Ct. Cls., 489; Gratiot v. U. S., 15 Pet., 370. As to the desirability of such procedure by administrative officers, see 7 Comp. Dec., 218, and 12 id., 180.)

Respectfully,

F. H. NEWELL,  
*Director.*

OCTOBER 20, 1909.

Respectfully referred to the Comptroller of the Treasury with a request for decisions upon the questions asked.

FRANK PIERCE, *Acting Secretary.*

ECF WCP FWC

1785

THE SECRETARY OF THE INTERIOR,  
*Washington, February 7, 1910.*

MY DEAR MR. PAYNE: I overlooked stating to your committee on Saturday last, at the hearing in reference to the proposed issuance of bonds in aid of reclamation projects, that the policy of permitting the settlers upon projects to assist in their extension by working out their assessments and the issuance of scrip or certificates amounted to an inducement on the part of the Government for settlers to remain on certain of the projects, especially those to which the scrip privileges had been extended, and when it was determined by myself and the Attorney-General that the issuance of scrip was illegal under the act, it was felt by me that because of the inducements the Government had held out an extraordinary effort ought to be made, especially from a moral standpoint, to give the settlers, particularly upon the projects to which the scrip applied, water as early as it was possible for the Government to make the necessary extensions.

A great deal of embarrassment resulted from the encouragement of the settlers in this particular, and it was my suggestion, in August last, to the President that relief be secured by the issuance of bonds. The President thereafter, in his address

1786 at Spokane, declared in substance that he would do what he could to induce Congress to give relief by the issuance of bonds to enable the projects to be more speedily completed. I think this matter is worthy of consideration by your committee.

I wish to say, in addition, as verifying what is set out above, that at Toluca, Mont., the Reclamation Service had erected this last summer a very large signboard inviting settlers upon the Shoshone project (lying south of Toluca, on the branch road running out from the Burlington connection) to make settlement and work out their assessments in labor. As near as I can recall, the language of the sign was as follows: "Settlers may work out their payments." On seeing this sign I directed that the wording in reference to working out water charges should be immediately painted out.

I will be glad to have this letter made a part of my statements before your committee.

Very respectfully,

R. A. BALLINGER, *Secretary.*

HON. SERENO E. PAYNE,  
*Chairman Ways and Means Committee,  
House of Representatives, United States.*

3718

WASHINGTON, D. C., April 30, 1910.

*To whom it may concern:*

I, William Hall Smith, clerk of the Committee on Irrigation and Reclamation of Arid Lands, United States Senate, do hereby certify that I have carefully examined all the records of the meetings of said committee from the first meeting, held on December 19, 1903, to the present time, with special reference to the discovery in the record of such meetings of any entry or statement of or concerning the issue of certificates by water users' associations; and I further certify that Senate Document No. 507,

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[Certificate for \$——. Salt River project.]

This certificate is tendered and accepted for credit upon reclamation water-right charges on the said project, and title therein to the amount shown below is surrendered and applied upon the portion or portions of installments of such charges accruing under the water-right application upon the lands described in the following report of canceled cooperation certificates:

Total amount of this certificate applied on report No. ——.

Of this certificate \$—— applied on report No. ——.

Of this certificate \$—— applied on report No. ——.

Of this certificate \$—— applied on report No. ——.

Of this certificate \$—— applied on report No. ——.

(On the stub:) Certificate No. ——. Amount, \$40. Issued ——, 19——. To ——, of ——, on account of work done or materials furnished on estimate No. ——, dated ——, ——; —— unit, Williston project, State of North Dakota. Date of approval, ——, ——. Approved by ——. Date issued, ——, ——.

### Reorganization of Reclamation Service.

1156

SECRETARY'S OFFICE, DEPARTMENT OF THE INTERIOR,  
*Washington, D. C., June 2, 1908.*

DEAR SIR: During the summer I desire that you have made a careful examination of the condition of the Reclamation Service to the end that every possible simplification and improvement in business methods may be adopted. You have before you the various suggestions made by the special agents of the department who have been studying the general question of business methods, and the administrative committee which I have appointed will cooperate with you in putting into effect any change that may be found desirable.

I wish you to give the Commissioner of the General Land Office such assistance as he may desire in the examinations which he is making of all selections that have been made under the Carey Act and of all grants that have been made by the Federal Government of reservoir water rights of way for irrigation or power purposes. I desire to have the fullest possible information by next November on both of these subjects. Any information that you may have or may obtain during the summer you will please give to the Commissioner of the General Land Office.

I have directed the Assistant Attorney-General to confer with you regarding a definite method of procedure in handling appeals of contractors from the decisions of the chief engineer or yourself in the final settlement of contracts. My impression is that it will be wise to require the contractor making the appeal to file with me a written statement covering every point, this statement to be submitted to the chief engineer for his comment or answer, and that no oral hearing will be granted until the Secretary has considered the written appeal and determined whether a hearing on any of the special points raised be advisable. Furthermore, I wish you to consider with the Assistant Attorney-General what questions should be subject to appeal. It seems to me that the appeals should be limited to questions involving the interpretation of the contract, or charges attacking the integrity of officers of the service, eliminating questions of pure engineering or technical skill. I, of course, do not desire to cut off a contractor from presenting any legitimate claim, but I have found from experience that there is serious difficulty in attempting to deal with a general appeal.

I desire your field officers to note carefully the results under the field regulations approved by the Civil Service Commission, and to suggest any modifications that may be necessary. On each project the engineer in charge must report promptly the appointments and changes in his service, so that there may be no misunderstanding between the Civil Service Commission and the department.

I wish you to give to the General Land Office, in addition to the information I have referred to regarding water rights and reservoir sites, all the information your service can obtain regarding the possible power sites on locations not hitherto filed upon, to the end that, if proper and necessary, withdrawals may be made.

Very respectfully,

JAMES RUDOLPH GARFIELD,  
*Secretary.*

THE DIRECTOR OF THE RECLAMATION SERVICE.

4649 Confidential.]

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
OFFICE OF THE DIRECTOR,  
Washington, D. C., June 17, 1909.

DEAR C. J.: The 7th anniversary of the reclamation act was celebrated by the issue of the accompanying clipping—authentic, but denied as such.

President Taft sent for Mr. Davis to explain that this was unauthorized, but, unfortunately, Mr. Davis had been told directly these same things, so that he knew (but could not tell Mr. Taft) that the statements were too true as to proposed changes, contemplated but not officially revealed.

G. P. arrived to-day and went to see Taft also, and was assured that things were O. K.—but. G. P. thinks that to save the service we—you and I—should get together as soon as possible and plan an active campaign to have every friend of the service write or call personally on Taft and impress him with the fact that the service must not be made a political machine nor its usefulness destroyed by alarming the men with threats of future changes. We must evidently keep up a hot campaign on Taft to prevent actions being taken that he would not approve of if he knew about them in advance.

Now is the time to show whether the cause of effective administration has friends or whether men like Vivian are to be quietly put in. Do your very best and keep in touch with me, confidentially, as this clipping is a feeler—given out in such a way that it can be disclaimed, but correct in general—embodying things that have been said again and again to Davis and others.

F. H. N.

1770.

[Washington Post, June 17, 1909.]

**MAY REPLACE NEWELL—SECRETARY BALLINGER DESIRES NEW RECLAMATION HEADS—**  
R. H. THOMSON MENTIONED—PRESENT INCUMBENT, IT IS STATED, WILL BE RETAINED AS GENERAL CONSULTING ENGINEER—A. C. CAMPBELL, OF NEW MEXICO, MAY SUPPLANT MORRIS BIEN, NOW HEAD OF LEGAL DEPARTMENT OF SERVICE.

If Secretary of the Interior Ballinger is able to carry his point, F. H. Newell will be retired from the office of Director of the United States Reclamation Service some time during the fall. He probably will be succeeded by a man now in the government service. It is said that R. H. Thomson, of Seattle, is the person Secretary Ballinger has in mind for the position. It is not known that Mr. Thomson would accept the appointment; in fact, there is doubt about it, but Mr. Ballinger would like to appoint him, and it is said that the place will be offered to him as soon as a decision is reached with reference to Mr. Newell.

Mr. Newell, unless he so desires, will not sever his connection with the Reclamation Service, but will be retained as an engineer, probably a general consulting engineer.

**MAY SUPPLANT BIEN.**

It also is stated that Morris Bien, head of the legal department of the Reclamation Service, will be removed and A. C. Campbell, of New Mexico, now a special attorney of the Court of Claims in this city, be appointed. From reliable sources it is learned that the Attorney-General has been consulted in reference to the particular fitness of Mr. Campbell and that the special attorney received the recommendation of the chief of the Department of Justice.



In the case of Mr. Newell, it is said that efforts have been made in the past to have him replaced. About the time the change in the administration took place several western Senators were anxious to secure his removal. Secretary Ballinger, it is said, is aware that there is friction in the service and is anxious to eliminate that.

#### RATES MR. NEWELL HIGHLY.

Mr. Ballinger appreciates Mr. Newell's abilities as an engineer, but is inclined to the belief that he can find a more satisfactory administrative officer. By retaining Mr. Newell as an engineer officer he can save to the Reclamation Service the valuable advice of the present director on all problems affecting construction.

Mr. Ballinger is not ready to recommend a change at present. It is said he desires more detailed information before taking a radical step. During the summer the Secretary will visit personally a number of government irrigation projects, especially those that have given rise to trouble. He probably will accompany the President on his trip west. He desires, it is said, to interest the President in the matter and have him sanction any change the Secretary might desire to make.

1907

PORTLAND, OREG., August 2, 1909.

MY DEAR MR. PRESIDENT: I have just completed a conference in reference to the apportionment of the *reclamation fund* for the coming year with the director, Chief Engineer Davis, and the seven supervising engineers of the Reclamation Service in this city and have also, since leaving Washington, spent most of my time in visiting and studying the following government reclamation projects: The North Platte, in Nebraska; the Shoshone, in Wyoming; the Huntley, in Montana; the Umatilla, in Oregon; the Payette-Boise and Minidoka, in Idaho, to all of which except one I was accompanied by Chief Engineer Davis and the supervising engineer of the several divisions.

I am very much exercised over the conditions which I find, particularly in regard to the lack of funds necessary to complete the projects under way and bring about an adjustment of expenditures within the several reclamation States, as contemplated by the reclamation act. It is estimated by the supervising engineers that there is needed for the coming year on the various government projects approximately \$26,000,000 and there is available only \$11,000,000. This \$11,000,000 was tentatively apportioned at the conference in Portland to take care of the most pressing needs of the service and does not take into consideration the provisions of the ninth section of the act of June 17, 1902, which declare it to be the "duty of the Secretary of the Interior in carrying out the provisions of this act, so far as the same may be practicable and subject to the existence of feasible irrigation projects, to spend the major portion of the sum arising within each State and Territory, etc."

No feasible project in the full sense has been presented in Oklahoma; hence no funds have been spent in that State except for preliminary investigation. Several of the States and Territories have had spent within them a large excess of funds, notably Nevada, Nebraska, Arizona, Idaho, and Utah. Oregon and California have not had their full quota by a large percentage, and the time limit provided for by the act for such adjustment will accrue in 1912. Oregon presents certain feasible projects in addition to those under way, for which the reclamation fund, if distributed as recommended by the engineers, would not permit of construction. There are at least two feasible projects presented in Oregon, and I understand additional feasible projects are possible in California which could be taken up were funds available. In Oregon one is the Malheur; another is the proposed extension of the Umatilla project. I apprehend, if nothing is done by the Government with the Malheur project, that great disappointment will exist among the settlers in the Malheur Valley and that the delegation in Congress from Oregon will be likewise disappointed. On my way to the projects in Idaho I visited the Malheur country and talked with the people, explaining to them the difficulties confronting the Government in the way of funds. Notwithstanding this, they were unanimous in their desire that some effort should be made by the Government in their behalf. I have been appealed to by all of the delegation in Congress to favorably consider the taking up of this project, they in turn, of course, being importuned by the settlers and landowners in this behalf.

In view of the fact that the Government has undertaken a greater number of projects than it can complete with reasonable businesslike dispatch with the funds at its disposal, I am inclined to believe that it is an unwise policy to undertake any new projects until those under construction are completed and the fund replenished.

by repayment from constructed portions and the sale of public lands sufficient to authorize them to be taken up and completed in a businesslike manner, as contemplated by the act. I am disappointed to find in a number of the projects nearly completed that the advancement of agricultural development has proceeded so slowly and many of the settlers are so impecunious that they will, in many instances, be unable to meet their installments as they fall due. Had the settlers been prohibited from entering upon the projects prior to water being available to irrigate their lands these conditions would have been practically avoided.

1908 I am impressed with the belief that some of the projects have been entered into without due consideration as to their feasibility, taking into consideration climatic conditions, soil, the cost of construction, maintenance, and operation. I have no doubt that political pressure has had something to do with these conditions. I mention it not by way of criticism but to advise you of the situation, as, for example, the Williston project in North Dakota is a pumping project, power generated by steam for which coal is mined on adjacent lands; the irrigable area is small and the cost of maintenance is extremely high; the settlers in favorable seasons take practically no water and in others clamor for water beyond the capacity of the plant.

In the Umatilla and a portion of the Minidoka projects the shifting sands with high winds make it difficult for the settlers for the first few years to raise crops of any kind and the ditches and laterals are expensive to maintain because of being filled with drifting sand. I was met at several of these projects by settlers without means and without crops urgently insisting upon an extension of time for the payment of their installments, a condition which will require serious and careful consideration. On most of the projects the maintenance charges, on account of the ditches and canals being new, are greater than they will be after irrigation has been carried on for several years. The fixed charges, such as salaries, etc., are also burdensome because of the lack of funds to promptly complete the projects. Notwithstanding these adverse conditions, I do not wish you to infer that I am not keenly alive to the advantages secured by the moneys expended by the Government in these projects, as I think, in course of time, they can, with few exceptions, be worked out as highly advantageous as a means of producing valuable agricultural settlements where otherwise the lands would be practically valueless, and, furthermore, the Government construction has been of a type illustrative of the best system for irrigation, and I wish here to commend the engineers and employees of the service in the field as a highly efficient and well-organized force. I am not ready, however, to say that improvements could not be made in the service in the line of more businesslike methods and a saving of expense.

In view of the conditions found by me, so far as I have visited the projects, I am of the opinion that an effort should be made to secure sufficient additional funds within the next year to complete the projects now under construction. My present view is that this may be done by securing authority from Congress to issue bonds against the reclamation fund, which accumulates from the sale of public lands and from the payment of installments for the cost of construction. If the Government could thus provide an additional fund of \$10,000,000, I think it would be ample to take care of all requirements until the regular fund accumulated sufficient to pay off the bonds and take up new projects. In the meantime, as fast as construction is completed, the expenses should be reduced accordingly. I do not believe that political consideration should in any respect control the investment of this fund, nor do I think the Government should undertake any new work until it has readjusted present conditions and gotten them on a thorough business basis. I am encouraging the letting of contracts for small parcels of work where it can be done by settlers and heavy machinery is unnecessary. With the view of assisting settlers in meeting their payments and in performing their obligations in cultivating and proving up on their lands, I am modifying the regulations so far as the law will permit to relieve the embarrassment to those on the various projects.

I would like an expression from you as to whether or not you concur with my views as above explained and would be pleased to have any suggestions or advice which you feel should be considered in connection with any of these matters. I realize the difficulty of placing before you by letter the conditions as fully as they could be explained were it possible for me to discuss them with you. It would relieve me very much to have you give this your early attention and to have your views as above suggested. I will withhold my approval of the estimates for future work or the undertaking of extensions until I hear from you. I am returning to Seattle to-night.

Sincerely, yours,

(Signed)

R. A. BALLINGER.

Hon. WM. H. TAFT,  
The White House, Washington, D. C.

48412-10-VOL 2-27

1909

[The White House, Washington.]

BEVERLY, MASS., August 10, 1909.

MY DEAR MR. SECRETARY: It is very difficult for me to express an opinion on the situation which you describe in your letter. I am not very much surprised, because the enthusiasm with which this Reclamation Service was entered upon was almost certain to lead into enterprises which were in advance of the possibility of profitable returns. All I can say to you is that you must put the brakes down until Congress shall meet, and then we will present the situation to Congress exactly as it is and make such recommendations as you believe ought to be made in regard to it. We must be very accurate in our statements as to the conditions that exist, because our motives may be misconstrued, as they have already been, and we shall encounter bitter criticism and judgment from those who are left in an embarrassed condition.

I hope that you will join me at Seattle in September, or at some earlier point in my itinerary, and that we can talk this matter out then. Meantime you will have been to the Spokane convention, and I think it might be well for you to make the clear statement of fact in respect to the matter which you have made to me.

Sincerely, yours,

WM. H. TAFT.

Hon. R. A. BALLINGER,  
*Secretary of the Interior.*

[Extract from annual report of Secretary Ballinger for year ending June 30, 1909.]

3651

## RECLAMATION SERVICE.

The act approved June 17, 1902, known as the reclamation act, clothes the Secretary of the Interior with a broad discretion in the construction of irrigation works and the disbursement of the reclamation fund, into which fund had been paid, up to and including June 30, 1908, the total sum of \$50,661,549.27, and the net investment from which in reclamation works on June 30, 1909, amounted to the sum of \$45,757,918.94. The cash receipts from water-right charges to June 30, 1909, were: Building charges, \$299,841.22; operation and maintenance charges, \$70,825.88; total, \$370,667.10. Because of the magnitude of the work and the desirability of making plans far in advance, it has been found necessary to make estimates of the amounts that will become available before the actual receipts can be known. The estimated total receipts in the fund to June 30, 1909, are \$58,582,140.66. Upon this basis and estimated receipts which will become available before December 31, 1910, \$5,528,050 have been allotted for reclamation purposes to December 31, 1910.

The discretion imposed by the act also carries with it commensurate responsibilities and obligations, which my predecessors have carried out with the utmost fidelity to the public good.

Some of the most important elements of conservation of the natural resources of the public domain lie within the purview of this statute, the dormant power of stream and flood being conserved for the transformation of the desert into vast tillable areas.

As the law fixes the responsibility for the success of these investments peculiarly upon the Secretary of the Interior, I have felt it incumbent upon me to visit during the last four months as many of the government undertakings as possible, and to determine upon the ground what, if any, changes in administration were demanded to secure the highest results, and also to learn the views and the needs of the settlers who are ultimately to pay for these works.

The Reclamation Service has been subjected to much unjust and to some just criticism. The work in the earlier stages of its existence being of a pioneer or experimental nature, room was left for the imagination of the unfair or uninformed critic. Generally speaking, the character of construction of dams, gates, drops, canals, etc., has been of a high type of modern practical utility. The precaution and pains exercised in giving extraordinary strength and durability to structures and to uniformity in canals and ditches has led some to claim that an unfair burden is thereby imposed upon the lands irrigated, without a resultant benefit. Whatever merit there may be in this contention will doubtless not exist in the future work of the service.

The department has been unfortunate in the selection of some projects, considering water supply, soil, and climatic conditions, and in some instances projects having practically no public lands have been undertaken, which are within the domain of private enterprise rather than that of the Government.

I wish to assert my disapproval of irrigation projects undertaken by the Government where irrigation is to be accomplished by pumping with steam plants at high lifts, since the burden of operation and maintenance is usually too great for the average farmer. The time may come when such methods may be feasible.

2021

DEPARTMENT OF THE INTERIOR,  
 SECRETARY'S OFFICE,  
*Washington, D. C., December 4, 1909.*

MY DEAR MR. NEWELL: I hand you herewith a memorandum and diagram covering proposed changes in the method of handling the affairs of the Reclamation Service. I have given considerable study to this subject and am convinced that the scheme here outlined will be productive of a more satisfactory and efficient administration of the service. Of course, you will see that the details have not been fully worked out, but these can be developed in the most advantageous manner through conference. You will please consult with Mr. Arthur Davis, and I will be ready to confer with both of you in the next two or three days regarding the installation of this plan and will advise you when I am able to take it up. I am anxious to make as rapid progress with it as possible and to secure thereby such working relations with all branches of the service as will promote mutual confidence and a high degree of efficiency.

Very truly, yours,

R. A. BALLINGER, *Secretary.*

MR. F. H. NEWELL,  
*Director U. S. Reclamation Service,  
 Washington, D. C.*

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2022

DEPARTMENT OF THE INTERIOR,  
*Washington, December 4, 1909.*

THE PRESENT ORGANIZATION OF THE RECLAMATION SERVICE.

While under the terms of the reclamation act the Secretary of the Interior is immediately and personally responsible for all operations under the act, the present organization vests, in a large measure, the administration and construction in the director. He is now authorized to execute all contracts not exceeding one thousand dollars and all contracts for the execution of building and engineering work under plans outlined in statements and estimates previously approved by the Secretary without referring such contracts to the Secretary for consideration or approval.

2. He is authorized to examine and approve all accounts of fiscal officers and creditors submitted for direct settlement in the Treasury.

3. He is authorized to correspond directly with the accounting officers of the Treasury and with the heads of bureaus of the Interior and other departments respecting the execution of work outlined and approve statements and estimates and all other matters which do not involve questions of general policy.

4. He is authorized to perform any and all acts necessary to carry into effect operations authorized by statements and estimates previously approved by the Secretary.

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He is, under existing practice, required to submit to the Secretary for approval proposed reclamation projects for construction and allotment of funds therefor.

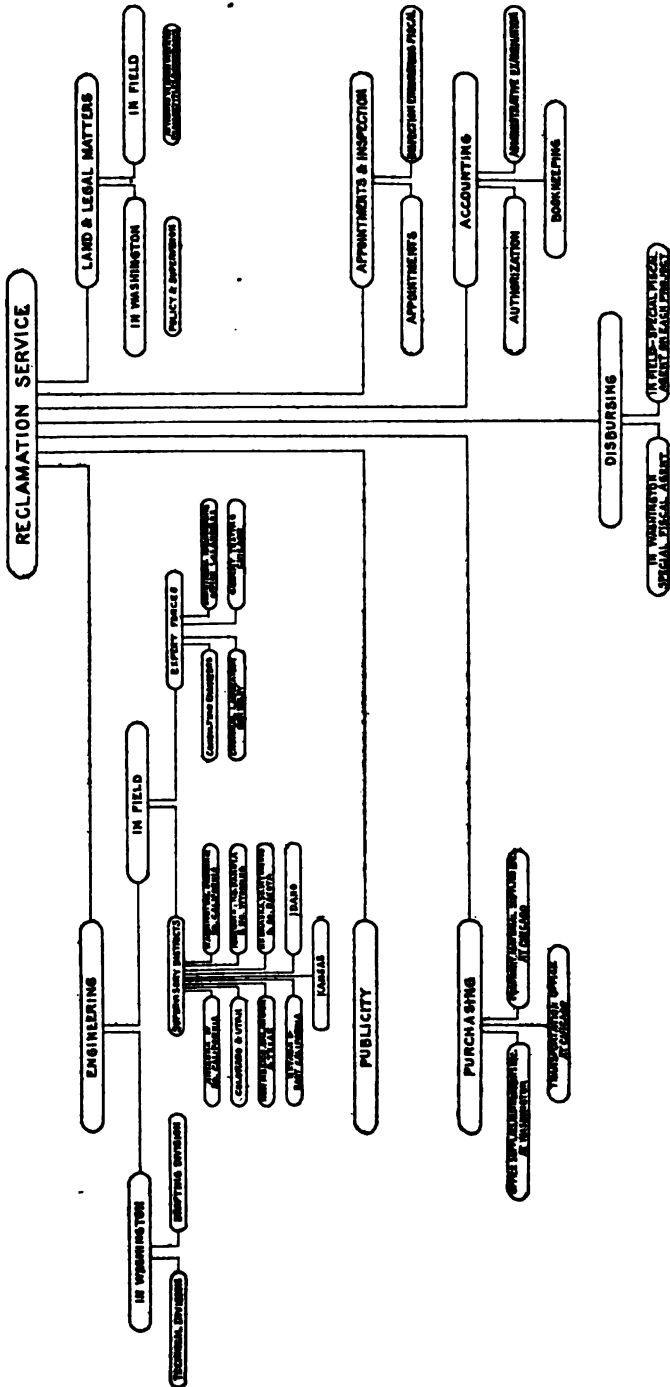
2. To submit to the Secretary quarterly statements and estimates showing work done and work contemplated for ensuing quarter and estimated amount required therefor.

3. To submit to the Secretary all matters of general policy and all legal matters requiring the consideration of the Assistant Attorney-General.

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Under this method, as will be perceived, a very large discretion is given to the Director of the Reclamation Bureau, with the result that heretofore that officer has been the real power and alone possessed of full and accurate knowledge as to the status of pending and contemplated work and the conditions and circumstances surrounding the same. As at present organized, no reclamation matter of any kind reaches the Secretary of the Interior except through the director. A rough outline of the present organization is shown on the accompanying diagram.

## 2023



DEPARTMENT OF THE INTERIOR,  
Washington, December 4, 1909.

PROPOSED ORGANIZATION OF THE RECLAMATION SERVICE.

As the Secretary of the Interior is made by law directly responsible for the administration of the reclamation act, it is proposed to change the method of administration by dividing the service into three branches:

1. *Law*.—In charge of a chief law officer, attached directly to the Secretary's office;
2. *Construction*.—In charge of a consulting engineer, attached directly to the Secretary's office; and
3. *The Reclamation Bureau*.—In charge of the director and dealing under the supervision of the Secretary with matters of examinations and surveys, settlement of lands, information, and experimental farming on projects, and accounting and finance.

The attached diagram shows roughly the proposed plan of reorganization and the principal officers thereunder.

Under the proposed plan the organization would be:

1. *Law*.—Chief law officer in the Secretary's office and assistants, and local or reclamation district attorneys, who would be either officers in the continuous employ of the Reclamation Service, with headquarters at a central point within each district, or reputable local firms selected at a central point in said district and paid a per diem for the time actually employed in rendering legal services to the field force of the reclamation district. These attorneys would be responsible to the chief law officer.

2024 2. *The construction branch* would consist of the consulting engineer in the Secretary's office, accountable directly to the Secretary, a chief engineer, whose work would be largely confined to the field, and five or six supervising engineers in charge of the reclamation districts, to whom would be given direct supervision over the local engineers engaged in work on the various projects, and who would be held responsible for the work in their respective districts. Plans, contracts, and all matters relating to construction would come directly from the chief engineer or supervising engineers in the field to the Secretary and be immediately passed upon by the consulting engineer and chief law officer in the Secretary's office.

3. *The Director of the Reclamation Bureau* would be in charge of a bureau with three principal divisions:

Examination of surveys, which would deal with all preliminary examinations and reconnoissances of projects and proposed projects, with soil surveys and with the surveys subdividing the irrigated lands into farm units, which division would have a suitable office force and a field force.

The Division of Settlement of Lands with a suitable office force and such field assistants as might be necessary—information, settlement of lands, and experimental farming on projects.

Division of Accounting and Finance, which would deal with accounting and fiscal matters both in the office and in the field, and would be composed of an office and a field force. [See illustration on page 1286.]

1944

[From Seattle Post-Intelligencer, February 28, 1909.]

DOUBT LAND LAW'S CONSTITUTIONALITY—SUIT IS PLANNED TO DETERMINE STATUS OF RECLAMATION ACT—PRIVATE PROJECTS HURT—FEDERAL IRRIGATION WORK ENCROACHES UPON SCHEMES OF INDIVIDUAL FIRMS.

WASHINGTON, February 24 (*special*).—Clouds have been gathering about the federal Reclamation Service, and if a storm breaks it will be largely the fault of the officers of that service. The metaphor may not be entirely apt or appropriate, but the fact is that Director Newell and some of his subordinates have stored up a lot of trouble for themselves, or signs fail. The most that is likely to happen is that an organized

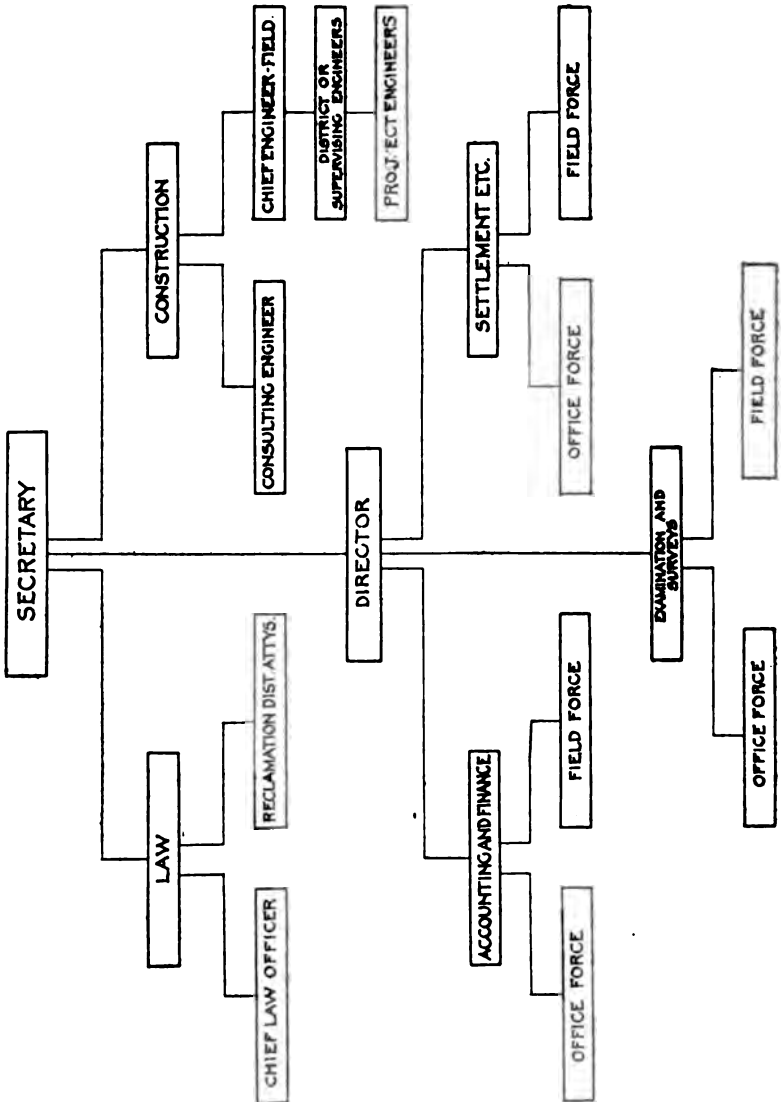
1945 movement which is now on foot will result in a suit to test the constitutionality of the federal reclamation act, and the least that can be expected is that the new Secretary of the Interior, who is to take the helm on March 5, will feel the necessity of looking over the Reclamation Service with an inquisitive eye without very much delay.

The signs which point toward a suit to test the constitutionality of the reclamation act may prove to be misleading, but there is much quiet talk about it, and the persons who are talking about it have the means to fight the issue to a conclusion. Also they profess to have the disposition to do so. It may seem surprising that an action of this kind should be begun seven years after the national irrigation law was placed on the statute books, and after a large number of extensive works have been inaugurated or completed by the Federal Government under that law, but there are reasons why this contingency has not become imminent until this time.

## PRIVATE FIRMS HIT.

The principal reason is that a number of private irrigation companies have been only recently encroached upon by the carrying out of federal projects, and the claims asserted by the Federal Government in connection with the appropriation of waters have been gradually driving some of the private companies to the wall. Here is a statement which was prepared by a responsible person for the information of readers of the Post-Intelligencer:

2025 *Reorganization Reclamation Service proposed by Secretary Ballinger December 4, 1909.*



"It is understood that there is an organization about consummated of the different private irrigation companies throughout the West, formed for the sole purpose of testing the constitutionality of the national reclamation act, and opposing the oppression of the Reclamation Service practiced upon the different private projects. It is the opinion of some of the foremost lawyers in the West that the reclamation act is wholly unconstitutional."

Although the anonymous author of this statement is a highly responsible person, it does not follow that a federal suit to test the constitutionality of the law will ever be instituted. The reason for this is that nearly all the irrigation companies which have a grievance hold that they have been unfairly treated by Mr. Newell, the head of the Reclamation Service, and in nearly every case it is within the power of the director or the Secretary of the Interior to remedy the difficulty by removing the cause of friction.

#### IRREGULARITIES CHARGED.

It is charged by a number of men representing large private irrigation interests that the Reclamation Service is being conducted in a high-handed manner, and that while the men in charge of that branch of the Government are in some instances weak and incompetent, they constantly invoke the great power of the Federal Government to protect them in their weakness and incompetency. Bluff and bluster have become common weapons with officers of the Reclamation Service, and withal there has been a disposition to employ dilatory methods in dealing with private persons and corporations who claimed that they possessed rights which should be recognized by the federal officials.

Several instances have occurred in which the Reclamation Service, instead of dealing with private claims and alleged vested rights on their merits have employed dilatory methods, at the same time conducting a campaign in local newspapers calculated to arouse public sentiment against the private claimants by representing that they have no rights which the Government or the community is bound to recognize, and that they are standing in the way of progress. Private claimants and representatives of private irrigation companies have been threatened with lawsuits which have never materialized, their credit has been attacked, and when these interests came to Washington seeking a clear statement of how they stand with the Federal Reclamation Service they have obtained no satisfaction.

#### COURTESY DENIED.

Some of the men representing private irrigation companies allege that it is impossible for them to obtain courteous treatment from the Chief of the Reclamation Service, although they have stated frankly that they are willing to present their claims to the service as one business man to another, having in view the facilitating of business and the avoidance of unnecessary and expensive litigation. It is also claimed that many of the engineers in charge of projects are unpractical and give more attention to the question of retaining their positions than to the practical and economical construction of irrigation works. The famous Roosevelt Dam is cited as an example in this connection, it being claimed that when the project was undertaken the cost per acre was placed at \$15. Up to date the cost is \$40 per acre.

1946 That there will be a federal suit to test the validity of the national reclamation act may be doubted, although it is a possibility; but that there will be a thorough investigation and overhauling of the service presided over by F. H. Newell, as soon as the new Secretary of the Interior is inducted into office, may be accepted as a certainty.

It is by no means true that every private claimant and every private irrigation company represented as having a grievance has a good case against the Reclamation Service; but it is easily demonstrable that flagrant cases of injustice have appeared in the last year and still exist.

WALTER E. CLARK.

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[Denver (Colo.) Republican, March 13, 1909.]

**WILL PUT LIFE INTO ARID-LAND RECLAMATION—SECRETARY BALLINGER WILL VISIT GOVERNMENT IRRIGATION PROJECTS AND ALSO LOOK INTO LAND AND TIMBER ABUSES.**

WASHINGTON, *March 12 (special).*—During the coming summer the new Secretary of the Interior, Richard Ballinger, proposes visiting various Western States and Alaska to acquaint himself, through personal observation and investigation, with land, timber, and mineral conditions, with a view to correcting abuses which may exist and so that he may make practical suggestions to Congress next fall for desirable legislation concerning western matters. Secretary Ballinger will pay particular attention to irrigation matters, and will visit all projects under construction by the Government.

While he was Commissioner of the General Land Office, Mr. Ballinger did not entertain a very high opinion of the Reclamation Service methods, but he was not in position to interfere. Now that he is Secretary of the Interior it is inferred that he will inaugurate changes in methods, with a view to correction of many alleged shortcomings in Reclamation Service work.



He will look into the needs of the Indian Service and investigate in Alaska the alleged acquirement of extensive coal lands by corporations and individuals. It is probable that President Taft and Secretary Ballinger will visit Alaska about the same time.

The department force of special agents investigating alleged land frauds was increased to-day by the appointment of D. A. Millerick, of this city, to be assistant chief.

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[Denver Republican, May 20, 1909.]

1968

VIVIAN CONTINUES AS STATE CHAIRMAN.

WASHINGTON, May 19 (*special*).—Senator Guggenheim, with the authority of the Secretary of the Interior, has offered State Chairman John F. Vivian a position as chief of bureau which is to be created in the Reclamation Service, to take charge of colonizing the various government irrigation projects as they are completed and are thrown open for the use of settlers.

A considerable force of agents and employees will be connected with the bureau, which will assume the general duties of the Reclamation Service in all matters relating to settling up the lands irrigated by the Government. The headquarters of the bureau will be established in this city, and if Mr. Vivian accepts the position the organization of the bureau will be arranged for immediately.

1771

[Boise (Idaho) Statesman, June 8, 1909.]

**MAKE CHANGE IN RECLAMATION SERVICE—F. H. NEWELL DOES NOT POSSESS ADMINISTRATIVE AND EXECUTIVE ABILITY—WILL BE RETAINED AS CONSULTING ENGINEER—SECRETARY OF INTERIOR BALLINGER NOT SATISFIED WITH WAY DEPARTMENT IS BEING RUN AND DOES NOT THINK IT IS UP TO STANDARD—WILL MAKE DECISION AFTER THOROUGH INVESTIGATION.**

**NEWELL TO RESIGN.**

F. H. Newell, Director of the United States Reclamation Service, is expected to resign this fall. Rumor is current in Washington that Secretary Ballinger is contemplating a change. Lack of executive and administrative ability in his department is cause of dissension. Well-known engineer will probably be retained as general or consulting engineer.

Thorough investigation will be made before final action is taken. The fact that President Taft holds his Cabinet officer responsible for results of various bureaus seems to be the reason for contemplated change.

STATESMAN BUREAU,  
Washington, D. C., June 7.

Unless there is a change of programme, F. H. Newell will retire from the office of Director of the United States Reclamation Service some time during the coming fall, probably to be succeeded by some man now in the government service. Who that man will be has not been determined, but the indications are that he will, in addition to an engineering education, have a comprehensive knowledge of the law. Mr. Newell, unless he so desires, will not sever his connection with the Reclamation Service, but will be retained as an engineer—probably a general consulting engineer.

About the time there was a change of administration it was learned that certain western Senators were anxious to secure the removal of Mr. Newell from office. That effort failed. In fact, those who talked most about securing the removal of Director Newell were the last to make any serious effort to accomplish their purpose. The agitation they started was of short duration. In time it completely died out.

**BALLINGER DISSATISFIED.**

But it develops that Secretary Ballinger is not altogether satisfied with the way the Reclamation Service has been conducted. While he finds no evidence of corruption or crookedness, no yielding to political influence, no flagrant maladministration, he finds more or less dissatisfaction, some little friction, and what he is inclined to regard as looseness in the conduct of that bureau of his department.

The situation, in brief, is this: While Secretary Ballinger finds no fault with the engineering work of Mr. Newell and has respect for his ability as an engineer, he inclines strongly to the opinion that he can find a more satisfactory administrative officer to take general supervision of the Reclamation Service—to become its business

manager, so to speak. He recognizes that Mr. Newell's abilities lie along the lines of engineering rather than administration, and it is that fact which inclines him to the opinion that a change should be made. By retaining Mr. Newell as an engineer he can save to the Reclamation Service the valuable advice of the present director on all problems affecting construction, while by appointing a new director he believes he can overcome those unsatisfactory features of administration which do not meet with his approval.

#### NOT READY FOR CHANGE.

Secretary Ballinger is not ready to recommend a change at the present time, for he desires to get more detailed information before taking such a radical step. During the summer the Secretary will personally go upon a number of irrigation projects, especially those that have given rise to complaint and to trouble. On the ground he will find out for himself what has led to unsatisfactory conditions, and who is to blame. If his investigation fails to bear out his present impression, and if he finds that no fault attaches to Mr. Newell as director, he will alter his plans, and Mr. Newell will remain at the head of the Reclamation Service. On the other hand, if investigation sustains the Secretary in the impression he now holds, he will recommend a change after his return to Washington in the fall.

The inclination of Secretary Ballinger to urge a change in the head of the Reclamation Service is not due to the activity of politicians who have quarreled with Director Newell; it is not due to the recommendation of anyone. It is due to his own experiences with the Reclamation Service since he became Secretary of the Interior. As a government machine, that service is not running as smoothly as might be desired; there is not entire harmony between the service and the present head of the Interior Department. On many details of administration the Reclamation Service, under previous secretaries, has followed a policy that does not meet with the approval of Secretary Ballinger. Being a man of fixed ideas, Judge Ballinger insists that his ideas be followed by all branches of his department.

#### DIFFERENT CONDITIONS.

It should be said, in full justice to Mr. Newell, that he has not worked at cross purposes with Secretary Ballinger, but rather at his direction. Nevertheless, there is not that same bond between the service and the present Secretary that was noted between the service and Secretary Garfield. Under Garfield, the Reclamation Service took the lead, and the Secretary approved; now the Secretary takes the lead, and the service must follow his directions. Even under Secretary Hitchcock the Reclamation Service had a much freer hand than it has to-day, for Mr. Hitchcock was devoting his time to other matters, and not being versed in questions of irrigation, interfered but little with Mr. Newell's plans. Gifford Pinchot, head of the Forest Service, through his intimate relations with President Roosevelt, was able to assist Mr. Newell in the old days. President Roosevelt was an enthusiast over irrigation; he had confidence in Mr. Newell, and double confidence because of the fact that Pinchot vouched for Newell. It was in a large degree due to this fact that the Reclamation Service was an almost independent bureau up to the time the Taft administration opened.

#### CABINET OFFICERS RESPONSIBLE.

But President Taft is not a believer in independent bureaus. He holds each of his cabinet officers responsible for the conduct of all bureaus in their respective departments. It was so in the Department of Commerce and Labor, when he let out the Director of the Census because that director was not working along lines satisfactory to his superior, the Secretary. So it will be in the Reclamation Service if Secretary Ballinger later recommends a change. Secretary Ballinger is held responsible for the conduct of the Reclamation Service, and shouldering that responsibility, he will naturally place that service in the hands of some man in whom he has every confidence. It is a matter of fact that at the present moment Secretary Ballinger lacks confidence in Mr. Newell—as an administrative officer.

Opinions differ as to the qualifications of an administrative officer. Heretofore a thorough and practical knowledge of engineering was considered the first requirement of the head of the Reclamation Service. But from present indications it would seem that business and executive ability, commingled with a practical knowledge of the law, is regarded as more important than capacity as an engineer. The Reclamation Service has engineers in great numbers; it has a chief engineer, consulting engineers, district engineers, and an engineer and assistant engineers on every project. Secretary Ballinger has been impressed with this vast array of engineering ability, but is not so impressed with the purely administrative side of the service. That, he seems to think, is not up to the standard.

## SECRETARY MAY BE BIASED.

As stated above, it may be that the impression thus far gained by the Secretary of the Interior may be biased; an inspection of irrigation works, and consultation with settlers living on government projects, may change this impression; it may turn out that the local view point places matters in a different light from that in which they are seen at Washington; the blame for shortcomings, exercise of poor judgment, lack of discretion or sound judgment may not belong upon the Director of the Reclamation Service. Because of this fact—because there is room for doubt—Secretary Ballinger will take no radical action until he has made himself more familiar with the true situation. But, as has been stated, the Secretary has a preliminary opinion, and if that opinion is strengthened as a result of his investigation, a change is certain to take place in the office of Director of the Reclamation Service, and probably during the coming fall.

1769

[Washington Post, June 11, 1909.]

**SLATED TO BE DROPPED—F. H. NEWELL AND MORRIS BIEN MARKED BY BALLINGER—SUCCESSORS ALREADY CHOSEN—SECRETARY OF INTERIOR IS SAID TO HAVE DECIDED TO DISPENSE WITH SERVICES OF IRRIGATION DIRECTOR AND LEGAL DEPARTMENT HEAD—R. H. THOMPSON AND A. C. CAMPBELL MENTIONED FOR PLACES.**

When Secretary Ballinger, of the Department of the Interior, returns from Seattle and the inspection trip he is making of the Indian reservations and irrigation projects, there will be one of the most severe shake ups in that department in its history, according to a person close to administration circles.

It is said the Secretary will begin at the top, on bureaus and divisions, and will use the official ax with telling effect. It is stated that if the Secretary gains his point

F. H. Newell, director of the United States irrigation service, will be one of a 1770 number to be retired. It is also said that Secretary Ballinger has selected a successor to Mr. Newell, and that R. H. Thompson, of Seattle, is the man he has in mind. It is not known whether Mr. Thompson will accept the appointment, but the place, according to the informant, has been offered him.

Among the others scheduled to go, it is said, is Morris Bien, head of the legal department. A. C. Campbell, of New Mexico, is the man, it is said, who will succeed Mr. Bien. Mr. Campbell at present is connected with the Department of Justice, and it is known that Secretary Ballinger has asked Attorney-General Wickersham for Campbell's service.

## INDIAN AGENTS TO GO.

It is said that there will be several Indian agents who also will lose their scalps when the Secretary returns. In fact, the Post's informant said there probably would be charges of illegally conducting the Government's business on some of the reservations.

Secretary Ballinger, it is understood, is opposed to all Roosevelt methods and will remove all Roosevelt appointees who do not come up to the standard set by Mr. Ballinger and his coworkers.

Secretary Ballinger, it is reported, will accompany President Taft over a greater part of his western trip and point out to the Chief Executive some of the defects in both the Indian and irrigation services in the field.

1968

[Portland (Oreg.) Oregonian, June 16, 1909.]

**PICK SEATTLE MAN—BALLINGER WANTS R. H. THOMSON IN RECLAMATION WORK—MAY SUCCEED F. H. NEWELL—SOME DOUBT AS TO WHETHER CITY ENGINEER WILL TAKE PLACE, BUT OPPORTUNITY WILL BE OFFERED THIS FALL.**

OREGONIAN NEWS BUREAU, *Washington, June 15.*—R. H. Thomson, city engineer of Seattle, is the man Secretary Ballinger has in mind for appointment as Director of the Reclamation Service in the event that F. H. Newell is retired from that office. It is not known that Thomson would accept the appointment; in fact, there is considerable doubt about it, but Ballinger would like to appoint him, and it is understood that the place will be tendered him as soon as a definite decision is reached with reference to Newell. As heretofore stated, it is not proposed to make this change until fall.

1909

[Statesman, Boise, July 2, 1909.]

**BALLINGER GOES OUT IF NEWELL STAYS IN—PROGNOSTICATION: THERE WILL SOON BE A NEW HEAD FOR RECLAMATION SERVICE—SECRETARY SAYS LAW HAS BEEN SHUNTED TO REAR—TOO MANY DEPARTMENTAL ORDERS AND SATELLITE ORGANIZATIONS THAT THE STATUTE DOES NOT AUTHORIZE—ALSO THERE'S AN IMPRESSION THAT MACHINE POLITICS HAS BEEN TOO LIBERALLY DRAWN ON.**

STATESMAN BUREAU, *Washington, July 1.*—If President Taft lends his approval Secretary Ballinger will completely reorganize the United States Reclamation Service during the coming fall and winter. Not only will Director Newell give way to some man chosen by Secretary Ballinger, but other officials of the service will be let out or transferred to make way for men in whom the Secretary reposes full confidence.

It is the purpose of Secretary Ballinger during the summer months to work out his plan for reorganizing the Reclamation Service. This will include the selection of new men for the higher positions. If this can be done before the Secretary returns to Washington in September, a new order of things can be inaugurated and put into operation before Congress reconvenes.

As has heretofore been stated in these dispatches, Secretary Ballinger would like to appoint R. H. Thomson, city engineer of Seattle, as Director of the Reclamation Service. It is known that he has written to Mr. Thomson asking if he will accept the appointment, but Mr. Thomson's decision, if he has reached one, has not become known. It is probable that he will allow the matter to rest until he can talk it over with Secretary Ballinger when the latter arrives in Seattle about July 12. If for any reason Mr. Thomson turns down the offer search for some other man will be made immediately.

#### CHARGE LAX OBSERVANCE OF LAW.

Much of Secretary Ballinger's criticism of the management of the Reclamation Service is based upon the fact that the officials in charge have not strictly adhered to the letter of the law. This is not altogether due to the reclamation officials, however, for it was the creed of former Secretary Garfield that he and the officers of his department could do anything which was not specifically forbidden by law—that is, anything connected with their legitimate work. In Garfield's day regulations were made both by the Reclamation Service and other branches of the Interior Department, which had the effect of law but which were not specifically sanctioned by law. So it was in the Reclamation Service. It was Garfield's policy and naturally it became the policy of the Reclamation Service.

Already Secretary Ballinger has upset some of the practices and regulations that were the outgrowth of the Garfield policy. He no longer permits the Reclamation Service to enter into contracts with water users' associations for the construction of parts of irrigation projects: he has forbidden the issuance of further "scrip" by water users' associations in payment for such work.

#### LEGALITY OF THE ASSOCIATIONS.

Now he questions the legality of water users' associations. He finds no provision in the reclamation act authorizing the creation of these associations on the basis upon which they have been organized heretofore. The reclamation act contains this clause:

"When the payments required by this act are made for a major portion of the lands irrigated from the waters of any of the works herein provided for, then the management and operation of such irrigation works shall pass to the owners of the lands irrigated thereby, to be maintained at their expense under such form of organization and under such rules and regulations as may be acceptable to the Secretary of the Interior."

This is the only sort of water users' association provided for in the reclamation act, and Secretary Ballinger has been unable to reconcile the associations heretofore built up, particularly those on unfinished projects, with the sanction of the present heads of the Reclamation Service. It is understood that the abolition of premature water users' associations may follow when the reorganization of the service takes place, if not beforehand, if Ballinger has his way.

#### BIEN ON THE IN-BAD LIST.

It is not charged that the various acts of the Reclamation Service have caused the Government loss of money or have resulted in corruption or wrongdoing, but that is not the point. These various acts have not been sanctioned by law, and Secretary

Ballinger differs from his predecessor in that he holds his powers are fixed by law, and that it is neither the function nor his privilege to go beyond the law. For these excesses, it is understood, the Secretary in no small degree blames Morris Bien, the legal adviser of the Reclamation Service, and Bien is one of the officials slated to go with Newell. While his successor has not definitely been chosen, it is known that A. C. Campbell, now an attorney in the Department of Justice, and a man of large practical experience with irrigation and public-land legal problems, is under consideration for the place. Campbell hails from New Mexico. He is well and widely known as a lawyer, especially equipped for work such as this, and his selection is not regarded as improbable. But, like others, his appointment is not looked for until the general overhauling begins in the fall.

How many other officials are slated for removal or transfer is not known. Nor is it known how the service will be affected by the modifications contemplated by Secretary Ballinger. It has been rumored in Washington that if Mr. Newell is forced out of the service some of his subordinate engineers will leave with him.

The charge has gone out that the effort is being made to convert the Reclamation Service into a political machine, providing offices for politicians rather than engineers. Secretary Ballinger, however, maintains that his reorganization is intended to transform the Reclamation Service into a practical business organization, operating along strictly legal lines, for the promotion of public business with expedition and economy.

There may be an effort made to prevent the carrying out of the reforms proposed by Secretary Ballinger; indeed, it is only natural that friends and supporters of Director Newell should interpose objections to the Ballinger programme. However, Judge Ballinger, like other Cabinet officers, has been given to understand that he is the actual head of the entire Interior Department, charged with the administration of the affairs of all its bureaus, and if the President should deny him the right to work reforms in the Reclamation Service when he believed those reforms were necessary, he would be very quick to tender his resignation.

1970

[Bonanza (Oreg.) Bulletin, July 8, 1909.]

**WILL REORGANIZE IRRIGATION WORK—BALLINGER TO CHANGE MANY OFFICIALS AND ADHERE STRICTLY TO LAW—HOPES TO GET THOMPSON—SEATTLE MAN MAY SUCCEED NEWELL, AND CAMPBELL, OF NEW MEXICO, IS SLATED FOR LEGAL ADVISER—OTHER CHANGES NEAR.**

If President Taft lends his approval, Secretary Ballinger will completely reorganize the United States Reclamation Service during the coming fall and winter, and indications are that the President will sanction whatever reforms Mr. Ballinger desires to inaugurate. Not only will Director Newell give way to some man chosen by Mr. Ballinger, but other officials will be let out or transferred.

It is the purpose of Mr. Ballinger during the summer to work out his plan for reorganizing the Reclamation Service. This will include the selection of new men for the higher positions. If this can be done before he returns to Washington in September, a new order of things can be inaugurated and put into operation before Congress reconvenes.

As has heretofore been stated, Mr. Ballinger would like to appoint R. H. Thompson, city engineer of Seattle, as Director of the Reclamation Service. It is known that he has written to Mr. Thompson asking if he will accept the appointment, but Mr. Thompson's decision, if he has reached one, has not become known. It is probable that he will allow the matter to rest until he can talk it over with Mr. Ballinger when the latter arrives in Seattle about July 12. If Mr. Thompson declines, search for some other man will be made immediately.

Much of Mr. Ballinger's criticism of the management of the Reclamation Service is based upon the fact that the officials in charge have not strictly adhered to the letter and intent of the law. This is not altogether due to the reclamation officials, for Secretary Garfield held that he and the officers of his department could do anything connected with their work which was not specifically forbidden by law. In Mr. Garfield's day regulations were made, both by the Reclamation Service and other branches of the Interior Department, which had the effect of law, but which were not sanctioned by law.

Already, Mr. Ballinger has upset some of the practices and regulations that were the outgrowth of the Garfield policy. He no longer permits the Reclamation Service to enter into contracts with water users' associations for the construction of parts of irrigation projects; he has forbidden the issuance of further "script" by water users'

associations in payment for such work. Now he questions the legality of water users' associations. He finds no provision in the reclamation act authorizing their creation on the basis upon which they have been organized heretofore.

The reclamation act contains this clause:

"When the payments required by this act are made for a major portion of the lands irrigated from the waters of any of the works herein provided for, then the management and operation of such irrigation works shall pass to the owners of the lands irrigated thereby, to be maintained at their expense under such form of organization and under such rules and regulations as may be acceptable to the Secretary of the Interior."

This is the only sort of water users' association provided for in the reclamation act, and Mr. Ballinger has been unable to reconcile the associations heretofore built up, particularly those of unfinished projects, with the sanction of the present heads of the Reclamation Service. It is understood that the abolition of premature water users' associations may follow when the reorganization of the service takes place, if not beforehand.

It is not charged that the various acts of the Reclamation Service have caused the Government loss of money, or have resulted in corruption or wrongdoing, but they have not been sanctioned by law, and Mr. Ballinger holds his powers are fixed by law, and that it is neither his function nor his privilege to go beyond the law. For these excesses, it is understood, the Secretary in no small degree blames Morris Bien, the legal adviser of the Reclamation Service, and Mr. Bien is one of the officials slated to go with Mr. Newell. While his successor has not definitely been chosen, it is known that A. C. Campbell, now an attorney in the Department of Justice, and a man of large practical experience with irrigation and public-land problems, is under consideration for the place. Mr. Campbell hails from New Mexico. He is well and widely known as a lawyer especially equipped for such work as this, but his appointment is not looked for until the general overhauling begins in the fall.

How many other officials are slated for removal or transfer is not known. Nor is it known how the service will be affected by the modifications contemplated by Mr. Ballinger. It has been rumored in Washington that if Mr. Newell is forced out of the service, some of his subordinate engineers will leave with him. The charge has gone out that the effort is being made to convert the Reclamation Service into a political machine, providing offices for politicians rather than engineers. Mr. Ballinger, however, maintains that his reorganization is intended to transform the Reclamation Service into a practical business organization, operating along strictly legal lines for the promotion of public business with expedition and economy. There may be an effort to prevent the carrying out of the reforms proposed by Mr. Ballinger; indeed, it is only natural that friends and supporters of Mr. Newell should interpose objections to the Ballinger programme. However, Mr. Ballinger, like other Cabinet officers, has been given to understand that he is the actual head of the entire Interior Department, charged with the administration of the affairs of all its bureaus, and if the President should deny him the right to work reforms in the Reclamation Service when he believed those reforms were necessary he would be very quick to tender his resignation. It is, therefore, very probable that the Ballinger programme will be carried through on schedule time.—Oregonian.

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[Seattle Times, July 10, 1909.]

**SALARY SAME IN JOB OFFERED THOMSON—AS CITY ENGINEER OF SEATTLE HE RECEIVES \$7,500, AMOUNT PAID TO DIRECTOR OF RECLAMATION SERVICE—MAYOR MILLER SAYS IT MEANS PROMOTION—DOES NOT KNOW OFFICIALLY OF TENDER, BUT DECLARES OFFICIAL WOULD BE WISE TO GIVE IT CONSIDERATION.**

If Reginald H. Thomson, city engineer of Seattle, accepts a position under Secretary of Interior R. A. Ballinger it will be that of Director of the Reclamation Service, which carries with it a salary of \$7,500 per annum, exactly what he receives from the city of Seattle. F. H. Newell now holds the job.

Attachés of the engineer's office, in the absence of Thomson yesterday, said that the matter had never been discussed with their chief, and the possibility of his leaving Seattle to accept a government position had not been intimated in any discussions relative to the work of the department.

"Mr. Thomson has never intimated to me that the appointment had been tendered to him," Chief Clerk A. F. Paddock said, "and I doubt very much if he would care to make a change at this time, particularly when the salary is no larger than he is now paid by the city."

1972 "The only thing I know about the possibility of Engineer Thomson leaving the city's service was the statement in the Times," Mayor Miller said. "I should judge that if the position is what I presume it is, that Mr. Thomson would be very foolish not to consider it in case it is tendered to him. I have had no conversation with him and I do not know that the place has been offered to him. Should it be, I should regard it as a promotion and the selection of a man who is particularly well fitted for the position."

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**Correspondence between Secretary Ballinger and R. H. Thomson, George W. Perkins, S. H. Hedges, and certain miscellaneous letters.**

[Personal, alphabetical file.]

4462 DEPARTMENT OF PUBLIC WORKS OF THE CITY OF SEATTLE,  
Office of City Engineer, March 29, 1909.

HON. R. A. BALLINGER,  
Secretary of the Interior.

MY DEAR MR. SECRETARY: I have been asked by the chairman of the board of control of the seventeenth irrigation congress to be held in Spokane August 9 to 14, inclusive, to be present during said congress and to deliver an address. Remembering the attitude taken by some members of the congress last year, I have thought it advisable for me to accept the invitation, and would be gratified to receive from you any suggestion which you may be pleased to make with reference to any special topic which I ought to investigate and be prepared to speak upon at that congress. I shall wait with interest any suggestions that you may have to make in the matter.

With best wishes, I am, very sincerely, yours,

R. H. THOMSON.

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[Personal, alphabetical file.]

4462

APRIL 5, 1909.

MY DEAR MR. THOMSON: Answering your letter of March 29, I am greatly pleased to know that you have accepted the invitation to attend the irrigation congress to be held at Spokane in August.

I have read your letter to the chief engineer of the Reclamation Service, Mr. Davis, and after discussing the matter with him, would suggest that you take up the subject of the proper functions of the Government in its reclamation work to show that it has a field of action that does not necessarily interfere with private undertakings, the idea being that considerable criticism has existed against the Government's undertakings in this particular as being an infringement upon the right of private enterprise. It is believed from the government standpoint that enterprises have not been undertaken except where private enterprise would have failed or would not for a long time been able to command the resources to carry the projects to a successful conclusion.

I have asked Mr. Davis to forward you such literature as he may have at hand in connection with the Reclamation Service, and he will write you personally along the lines above suggested.

With best wishes, I am, yours, very sincerely,

(Signed.)

R. A. BALLINGER.

HON. R. H. THOMSON,  
City Engineer, Seattle, Wash.

4463

[Personal alphabetical file.]

Confidential.]

SECRETARY'S OFFICE,  
DEPARTMENT OF THE INTERIOR,  
Washington, D. C., April 19, 1909.

MY DEAR MR. THOMSON: Yours of the 13th instant just at hand. I am greatly pleased to note the interest you are taking in the irrigation congress.

4464 In respect to the paper which you have been asked to prepare upon "Pumping for irrigation," I wish to suggest that it is questionable to my mind whether the reclamation act contemplated irrigation, except through a gravity system or the utilization of water power. The Government has, however, entered into a project near Williston, N. Dak., which I fear is going to be a "lame duck," and difficult to work out.

The question of fuel supply is one which may be awkward to handle from the reclamation standpoint, the Government making no reservations under the law of deposits of coal, or authority for mining for reclamation uses. I will be able to see you and discuss some of these matters with you before August.

I am putting in the place of one of the Secretary's inspectors a young engineer, whom I expect to send into the field in the course of three or four weeks to familiarize himself with the projects and be able to advise me independent of the director and chief engineer and other engineers of the Reclamation Service. I will use him more particularly in connection with inspection of methods of handling the work in the field, rather than advice as to the feasibility of projects, construction, etc.

There are a great many things connected with this service which are giving me great concern.

The Senate has constituted a committee with Senator Carter, of Montana, as chairman, with which I expect to be in close touch, for the purpose of investigating the various reclamation projects and plants of the Government. This committee will be at the irrigation congress in August, and I am desirous that you should become personally acquainted with all the members of this committee, and it would materially help me in working out my desires.

I expect to leave Washington about the 10th of June, and, in conjunction with the inspector spoken of above, visit a number of the projects on my way west, arriving at Seattle probably about the first week in July.

The President has offered to assign to me any of the army engineers whom I may desire in connection with this service, but I am not satisfied that they are specially equipped to handle a service of this kind, which comes in contact with water users and settlers on the public domain, where a vast amount of diplomacy and business judgment is necessary.

Please treat the foregoing as confidential.

Hoping to see you at an early day, I remain,

Yours, very sincerely,

(Signed)

R. A. BALLINGER,  
Secretary.

Hon. R. H. THOMSON,  
City Engineer, Seattle, Wash.

4467 Personal.]

JUNE 9, 1909.

MY DEAR MR. THOMSON: I herewith acknowledge your favor of the 2d instant, and note what you say respecting the examination of irrigation works in eastern Washington and Montana.

I expect to start for the West the latter part of the month, and will be in Seattle on or before the 10th of July, and will hope to see you and discuss various matters with you.

With best regards, I remain,

Yours, very truly,

(Signed)

R. A. BALLINGER.

Mr. R. H. THOMSON,  
City Engineer, Seattle, Wash.

4464

[Personal, alphabetical file.]

Personal and confidential.]

MAY 11, 1909.

MY DEAR MR. THOMSON: Last Sunday I was the guest of Mr. George W. Perkins, at Yonkers. Mr. Perkins is at the head of the house of J. Pierpont Morgan & Co., as



you perhaps know. He told me that he had arranged for a special boat to take himself and party, including his family, to Alaska for the investigation of the feasibility of exploiting Alaska in railroad construction and in other lines in which he is deeply interested. He will sail from Seattle about the middle of July.

He is desirous of having an engineer accompany him who is not allied to any Alaskan interests or to any railroad interest or other private connection which would in any way influence his judgment, and he has been insistent on my recommending some one familiar with the western country to take this voyage with him and to advise him. Naturally, I could think of no one so well equipped as you to fill this office, and as the connection is one of importance and the trip would be one of great pleasure and profit, it has occurred to me that you would enjoy this form of vacation. On receipt of this letter please wire me whether it will be worth while for Mr. Perkins to consider it possible for you to accompany him.

I hope you will not understand by the suggestion above that I have in any sense abandoned the hope of securing your services in the matter about which we conferred in Seattle. I anticipate that not later than September I will be able to formally present the matter to you.

Sincerely, yours,

(Signed) R. A. BALLINGER.

Mr. R. H. THOMSON,  
City Engineer, Seattle, Wash.

4465

MAY 20, 1909.

SEATTLE, WASH., May 20-21.

Hon. R. A. BALLINGER,  
Secretary Interior, Washington, D. C.:

Can arrange northern trip, but it may interfere Spokane congress.

R. H. THOMSON.

[Department of public works of the city of Seattle: A. V. Bouillon, superintendent of public utilities; chairman; R. H. Thomson, city engineer; L. B. Youngs, superintendent of light and waterworks; M. T. Maloney, superintendent of streets and sewers; Francis W. Grant, superintendent of buildings; C. B. Bagley, secretary.]

[Personal alphabetical file. Answered May 28, 1909.]

OFFICE OF CITY ENGINEER,  
Seattle, May 20, 1909.

MY DEAR MR. BALLINGER: I have just wired: "Can arrange northern trip, but it may interfere Spokane congress. R. H. THOMSON."

Upon receipt of your letter, I of course went to the mayor with reference to a possible absence. I said to him that you had asked me to make "a trip for unknown purposes with unknown parties to an unknown part of Alaska, beginning about the middle of July."

Much to my surprise, this worked on his honor's curiosity in a most wonderful way, and for two days he has tried to see if he could not lead out on something that would reveal the purpose. I knew nothing more than I first stated.

He said to me late this afternoon *that he had made up his mind you wanted me to catch some bunch of thieves, and he would like to know who they were so as to help me catch them.*

"Now, Thomson," said he, "you wire the Judge you can go, but that if you do it may make it impossible for you to attend the Irrigation Congress at Spokane, and you show me his answer."

Under these conditions, Judge, please write me a blind letter which I can show him, so as to satisfy his request, if not his curiosity. I must confess to a considerable disappointment as the curiosity manifested.

If I go, I will only say that I have chosen to take my summer rest by visiting Alaska; this statement will be satisfactory to the mayor.

I expect to go east of the mountains in a day or two with Mr. Parry and with Judge Hanford to visit their various irrigation works. I will also stop for a day at North Yakima.

Very truly, yours,

R. H. THOMSON.

[Personal, alphabetical file.]

Personal and confidential.]

MAY 22, 1909.

MY DEAR MR. THOMSON: I have your telegram of the 20th in answer to my letter respecting your accompanying a party on an Alaskan trip. I am not in position at this time to give you any further information respecting this trip, and I am not sure that I will be in position to make any recommendation to Mr. Perkins in this particular further than what has already been said verbally.

There is a question in my mind whether it would be advisable for you to make this trip in view of my desire to have you meet the President in case he goes to Seattle and Alaska. In speaking with him to-day, it has been agreed that no change would be made in the head of the Reclamation Service until he had had an opportunity to meet you.

With best regards, I remain,

Yours, very sincerely,

(Signed) R. A. BALLINGER.

Mr. R. H. THOMSON,  
City Engineer, Seattle, Wash.

4406

[Telegram. Personal, alphabetical file.]

DEPARTMENT OF THE INTERIOR,

May 26, 1909.

To R. H. THOMSON,  
Seattle, Wash.:

Answering wire 20th, Alaskan trip canceled.

(Signed) BALLINGER.

[The city of Seattle, Hon. John F. Miller, mayor, department of public works, office of city engineer; R. H. Thomson, A. M., Ph. D., member American Society Civil Engineers, city engineer. D. W. McMorris, member American Society Civil Engineers, principal assistant engineer.]

[Personal, alphabetical file.]

MAY 26, 1909.

Hon. R. A. BALLINGER,  
Secretary of Interior, Washington, D. C.

MY DEAR MR. BALLINGER: I am just in receipt of your wire of this day, advising me as to the cancellation of the Alaska trip, and I have shown the same to Mayor Miller. He is very greatly pleased, because he thinks I can be of more service to the country attending the Spokane congress than in chasing thieves in Alaska.

Very truly, yours,

R. H. THOMSON.

[Personal, alphabetical file.]

Personal and confidential.]

SECRETARY'S OFFICE,  
DEPARTMENT OF THE INTERIOR,  
Washington, D. C., May 28, 1909.

MY DEAR MR. THOMSON: Yours of the 20th at hand. Upon its receipt I wired you as follows: "Answering wire twentieth, Alaskan trip canceled." I sent you this wire partly so that you could show it to Mayor Miller if you desired, and for the further reason that I believe that under all the circumstances it was the proper thing to do.

I am having a great deal of difficulty in bringing the Reclamation Service into proper accord with the law, as various matters had been undertaken in disregard of the statute. I refer particularly to the contracts entered into for cooperative work in relation to water users' associations, whereby cooperative certificates have been issued for work, labor, and materials, etc. The Attorney-General has just declared, pursuant to my request, that these contracts and certificates are totally void. He has decided in effect that the only source of moneys or means for carrying on reclamation work is the reclamation fund itself. As soon as I can get copies of this opinion made, I will forward one to you.

The salary of the director, as it now stands, is \$7,500 per annum; that of the chief engineer, \$6,000; consulting engineers are paid \$5,400.

Very truly, yours,

(Signed) R. A. BALLINGER.

Mr. R. H. THOMSON,  
City Engineer, Seattle, Wash.

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Personal and confidential.]

JUNE 2, 1909.

MY DEAR MR. THOMSON: Your letter of the 26th ultimo just at hand. Mr. Perkins is very anxious that you should be in position to recommend some one to accompany him on his voyage to Alaska, starting shortly after July 4 for a period of about six weeks.

The purpose of his trip, in the strictest confidence, is the investigation of feasible railway construction in Alaska with mineral resources and possibilities tributary to any line or lines of road that might be considered feasible, and, in short, desires a man of that experience in engineering and in mining who would be a safe and conservative adviser along these lines. While I know a number of persons on the coast who might possibly fill the bill, I hesitate to recommend any of them whom I recall at the present time. I know that your acquaintance with men of engineering and mining experience ought to enable you to suggest a man who would fill the bill.

When the subject was first mentioned to me, as I have heretofore written you, you were the only person I could think of whom I could recommend, and in further 4467 discussing the matter with Perkins after learning the inadvisability of your going, he was quite insistent that you should assist him in getting a man. He will probably be in Seattle about July 4 and will call upon you. In the meantime you will please write Mr. George W. Perkins, confidentially, at his address in New York, care J. Pierpont Morgan & Co., and you can state that you have written him at my request. Any further information you want from him he will give you without hesitation. I have assured him he could place implicit confidence in any statements you would be willing to make.

I am hoping to be able to leave Washington June 25, and unless it is necessary to change my plans will be in Seattle in the neighborhood of July 10.

I am sending you, under separate cover, also in confidence, a copy of the opinion of Attorney-General Wickersham, recently rendered at my request, in connection with reclamation work, which fully sustains the position I had theretofore taken.

With best regards, I remain,

Yours, very sincerely,

(Signed) BALLINGER.

Mr. R. H. THOMSON,  
*City Engineer, Seattle, Wash.*

Personal and confidential.]

JUNE 5, 1909.

MY DEAR MR. PERKINS: I have written Mr. R. H. Thomson, city engineer of Seattle, to advise you respecting a suitable person, qualified as an engineer and as a mineralogist, such as we discussed when I saw you last, to accompany you to Alaska. I have asked him to write you direct, and advised him that, for certain reasons, I would prefer that he would not go to Alaska, as I wish to take up with him certain business matters this summer.

I expect to leave for the West about the 24th of this month, arriving in Seattle on or before the 10th of July. If you do not sail for Alaska prior to that date, I will hope to be able to see you. Should you be in Washington I trust you will call upon me.

Very truly, yours,

(Signed) R. A. BALLINGER.

Mr. GEORGE H. PERKINS,  
*Care Messrs. J. P. Morgan & Co., Wall St., New York, N. Y.*

[No indexing. Personal alphabetical file. P. A. F. Take West. Rec'd June 8, 1909.]

23 WALL STREET,  
*New York, June 7, 1909.*

MY DEAR JUDGE BALLINGER: I have your letter of the 5th. I expect to reach Seattle the 2d or 3d of July and be there three or four days, sailing for Alaska the 6th or 8th of July. I hope I may have the pleasure of seeing you out there.

I am very much obliged for your letter to Mr. R. H. Thompson. I presume I will hear from him in due course.

Sincerely, yours,

GEO. W. PERKINS.

Hon. R. A. BALLINGER,  
*Washington, D. C.*

Will be back about August 12, 1909.

4468

[The city of Seattle. Hon. John F. Miller, mayor. Department of public works, office of city engineer. R. H. Thomson, A. M., Ph. D., member American Society Civil Engineers, city engineer. D. W. McMorris, member American Society Civil Engineers, principal assistant engineer.]

[Personal, alphabetical file.]

JUNE 14, 1909.

Hon. R. A. BALLINGER,  
*Secretary of the Interior, Washington, D. C.*

MY DEAR MR. BALLINGER: I am in receipt of your two letters—one of June the 2d, relating to the matter of Mr. Perkins, and one of June the 3d, containing the opinion.

I am writing Mr. Perkins to say that I will have a man ready for him upon his arrival. I am not perfectly clear as yet whom I will send, but I will have somebody ready for him.

Everything here is moving fairly well. No complaint to make along any line.

With best regards, I am,

Very truly, yours,

R. H. THOMSON.

Dictated by R. H. T. M. K. Stream, secretary for R. H. T.

Personal.]

JUNE 19, 1909.

MY DEAR MR. THOMSON: Permit me to acknowledge your letter of the 14th instant, and to thank you for the information therein contained.

Very truly, yours,

(Signed)

R. A. BALLINGER.

Mr. R. H. THOMSON,  
*City Engineer, Seattle, Wash.*

[Personal, alphabetical file. Thomson, R. H.]

JUNE 20, 1909.

MY DEAR MR. PERKINS: Your letter of the 19th, inviting my son Edward to accompany you on your trip to Alaska is received. I wish to thank Mrs. Perkins and yourself for the invitation, but I fear it is not best for him to spend his time during his summer vacation on a voyage of this nature, as I have planned that he will have to do some studying to keep up with his college work. I have advised him, however, of your invitation and asked him to see you at Seattle on your arrival. Were it not for the necessity of his making up some delinquencies in his school work, I would be greatly pleased to have him accompany you. He was, unfortunately, not as well qualified to enter college as he should have been. My son will be in Seattle on the 22d of this month, having left college on the 17th. I will not arrive in Seattle before the 10th of July, but hope your sailing will not be before I arrive home, as it will give me great pleasure to see you and Mrs. Perkins.

Mr. Thomson has advised me that he has written you respecting an expert and I hope he will be able to find a proper person for you.

Please give my best regards to Mrs. Perkins, and believe me,

Yours, very sincerely,

(Signed)

R. A. BALLINGER.

Mr. GEO. W. PERKINS, 23 Wall street, New York City.

New York Life Insurance Company, 346 and 348 Broadway, New York. Darwin P. Kingsley, president. Seattle branch office, Seattle National Bank Building, corner Second avenue and Columbia street. Telephones: Sunset, main 443; independent, 402. L. Seton Lindsay, agency director; Herman Dietz, cashier.]

[Personal alphabetical file. Thomson, R. H.]

SEATTLE, WASH., July 15, 1909.

Hon. R. A. BALLINGER,  
*Land Office, Federal Building, Seattle, Wash.*

DEAR MR. BALLINGER: I omitted to mention yesterday when I saw you that should you at any time wish to send a telegram to Mr. George W. Perkins, that you could reach him over the wireless or, if you prefer, send the message to my office and I will see that it gets to him.

I will let you know the date of Mr. Perkins's arrival here as soon as I know anything definite myself. I expect to see him here about August 12.

Yours, very truly,

L. SETON LINDSAY.

4469 R. H.]

SEATTLE, WASH., July 23, 1909.

HON. RICHARD A. BALLINGER, *Seattle, Wash.*

DEAR SIR: Regarding your publicly announced intention of placing Mr. Thomson, the city engineer of Seattle, at the head of the United States Reclamation Service, I take the liberty of recalling to your memory an incident in Judge Emory's court at which you were present.

The question at issue was whether or not the drainage system of the White River Valley should be adopted or not. Your firm was representing the district which planned the whole system.

A small number of wealthy landowners opposed the proposed drainage and put Mr. Thomson on the witness stand, who swore that with the grade of 25 inches to a mile (or  $\frac{1}{4}$  inch to 100 feet), which the main ditch was to have, the water in it would develop a velocity which would increase with every foot of length of the ditch and could not fail to tear up and destroy the adjoining land.

Judge Emory objected to the testimony, reminding Mr. Thomson of the Mississippi, which runs 5,000 miles and does not destroy the adjoining land through an ever-increasing velocity. But Thomson insisted he was right and claimed that he had a formula proving the correctness of his statement.

There was not a person in the court room who did not doubt that Thomson had exhibited a ridiculous ignorance. In the first place, there is no such formula; in the second place, the velocity of water running in a ditch or stream of a uniform fall does not increase neither every foot nor every mile; in the third place, the ditches have been built, and they work well without ever having torn up and destroyed any land.

In conclusion, I wish to state that I have no personal motive in writing this letter but do so only in the interest of the *public service*.

Yours, respectfully,

O. F. WEGENER.

R. H. Directorship, R. S.]

SEATTLE, WASH., July 31, 1909.

DEAR SIR: I herewith acknowledge your letter of July 23, and I note what you say in respect to City Engineer Thomson.

You are in error in assuming that I have made any public announcement of intention to place Mr. Thomson at the head of the Reclamation Service.

Respectfully,

(Signed)

R. A. BALLINGER, *Secretary.*

Mr. O. F. WEGENER,

*Civil Engineer, First Avenue, foot of Cherry,  
503 Washington Block, Seattle, Wash.*

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[Personal alphabetical file.]

DEPARTMENT OF PUBLIC WORKS OF THE CITY OF SEATTLE,  
*Office of City Engineer, April 13, 1909.*

HON. R. A. BALLINGER,

*Secretary of the Interior, Washington, D. C.*

DEAR SIR: I received yesterday your letter of April the 5th suggesting that at the irrigation congress to be held at Spokane in August I prepare myself to be able to defend the Government's undertakings. I am this day in receipt of a quite full letter from Mr. Davis, the chief engineer of the service, illustrating the lines along which attacks, apparently very unjust, have been made against the Government's undertakings. I shall be very glad to take this matter up and to post myself on all these points very fully. It is not probable that there will be a topic set down on the programme entitled "Government interference," or anything of that nature, but we well knew that that question will arise.

I am giving as much attention to the Reclamation Service as it is possible for me to do in connection with my regular work, but you well know that there are times when the study of the Reclamation Service is limited to a very short period each day. The board of control of the Spokane convention has asked me to prepare a paper in particular upon "Pumping for irrigation." I believe that I shall be able to put together some very interesting data on that subject. I realize very fully that the more able my paper on that topic the more weight whatever else I may have to say in the convention will have.

With best wishes for your personal success, I am,  
Very truly, yours,

R. H. THOMSON.

SEATTLE, WASH., April 11, 1910.

HON. R. A. BALLINGER,  
*Care of Shoreham Hotel, Fifteenth and H streets,  
 Washington, D. C.*

MY DEAR BALLINGER: Have been watching the papers very carefully from time to time keeping track as much as possible of the inquiry going on at the present time, and it seems to me that you certainly have got the Finchot-Glavis combination "on the run."

Have been looking for and have hoped to hear that you had begun the "snake killing" in the Reclamation Service, some of whom in the writer's opinion are as disloyal to you as it is possible to be. Was rather surprised, however, to learn of Davis's testimony before the committee.

Was up talking to R. H. Thomson this morning about some other matters, and incidentally remarked in conversation about you that I would like to see him down at Washington running the Reclamation Service; but did not intimate in any way that we had ever had any talk on this subject.

Thomson replied to me that if he was offered the position he would like nothing better than to go down there and clean up the reclamation outfit, and would do so.

Am writing you this in an entirely confidential way, as I have no idea that Mr. Thomson thought I would do so.

Am rather inclined to be of the opinion that Mr. Thomson has possibly tired of the grind of the city business and would be quite pleased to accept the responsibility and the honor of being at the head of the Reclamation Service.

While I am not well enough posted as to the conditions at Washington to offer you even a suggestion, from this end and from my view point it looks to me as if the time was ripe to carry the war into the enemy's country and stir them up to a fare-you-well. In other words, carry out the ideas you have had all the time without fear or favor. You have now got the reputation of a fighter all over the United States and it seems to me are just now in a position to show results; hence the above letter and suggestion.

Whatever you may do, Judge, either in this matter or in any other, rest assured you have the writer's support in anything possible for us to do.

Yours, very truly,

PUGET SOUND BRIDGE & DREDGING CO.,  
 By S. H. HEDGES.

SHH.

Personal.]

APRIL 18, 1910.

MY DEAR HEDGES: Yours of the 11th instant, in reference to the investigation now under way, is received, and I note what you say respecting the Reclamation Service. All these matters, I believe, with a little patience, will ultimately be straightened out. Of course you understand the difficulties I have to struggle with. I appreciate very much the sentiment expressed in your letter, and it is a source of deep gratification to me to know that I have so many loyal friends ready to stand by me at this time, when I have been so unjustly assaulted.

Very sincerely, yours,

(Signed) R. A. BALLINGER.

Mr. S. H. HEDGES,  
 432 Central Building, Seattle, Wash.

3853 Personal.]

THE WHITE HOUSE,  
 Washington, May 15, 1909.

MY DEAR MR. SECRETARY: The President is very desirous of getting Mr. John F. Vivian, of Colorado, a place paying \$3,000 or more. Senator Guggenheim has spoken to the President several times about Mr. Vivian. Will you be good enough to advise the President if there is under your department any such place to which Mr. Vivian could be appointed? The President earnestly hopes that something can be found for Mr. Vivian immediately.

Very truly, yours,

FRED W. CARPENTER,  
 Secretary to the President.

HON. R. A. BALLINGER,  
 Secretary of the Interior.

(Pen note) Disposed of by conference.—Carr.  
 (Pencil note) Settlement agent Reclamation Service.

[Telegram.]

DENVER, COLO., *May 18, 1909.*

HON. R. A. BALLINGER,  
*Secretary of the Interior, Washington, D. C.:*

Guggenheim has wired concerning appointment Reclamation Service. Would it be possible to make salary \$4,000, with headquarters Denver? If so, will come to Washington for conference.

JOHN F. VIVIAN.

[Telegram.]

DEPARTMENT OF THE INTERIOR, *May 19, 1909.*

TO JOHN F. VIVIAN,  
*Denver, Colo.:*

No. Salary at present not exceeding three thousand and expenses. Headquarters Washington, with general field duties as settlement agent.

R. A. BALLINGER,  
*Secretary.*

Personal]

HEADQUARTERS REPUBLICAN  
 STATE CENTRAL COMMITTEE OF COLORADO,  
*Denver, Colo., May 24, 1909.*

HON. R. A. BALLINGER,  
*Secretary of the Interior, Washington, D. C.*

MY DEAR MR. SECRETARY: I want to thank you for your promptness in replying to my telegram. I do not want you to think that I do not fully appreciate the efforts made by you to secure me a position in your department. I really wish it were so I could have taken the position, but as I am not very well fixed in this world's goods, and have two boys to send to college next year, you can readily see that I could not consistently accept a \$3,000 position in Washington. If I felt that I could, I should have been only too glad to have taken this position, as I know the relations could not have been but pleasant and harmonious between us. Confidentially, a big effort has been made by some of my enemies in the party to get me out of the State of Colorado, and knowing this to be true, I have not felt like acceding to this feeling unless it was to my financial benefit. However, I had called a meeting of the executive committee of the Republican state central committee and placed the matter squarely before them, and they unanimously requested me to decline the position and 3854 to at once open up Republican state headquarters and organize for the next campaign. I want you to know that I appreciate your efforts in this matter, and if at any time I can be of service to you or the administration, command me.

With kind regards, I remain,  
 Sincerely, yours,

JOHN F. VIVIAN, *Chairman.*

MAY 27, 1909.

MY DEAR MR. VIVIAN: Your letter of May 24, in regard to the position of settlement agent of the Reclamation Service, just at hand. I very much regret that you did not deem it expedient to accept the position.

With kind regards, I remain,  
 Very truly, yours,

R. A. BALLINGER.

MR. JOHN F. VIVIAN,  
*P. O. Box 850, Denver, Colo.*

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[Telegram.]

[V 117; CH. BR. 27; Paid, Govt.]

HUNTLEY, MONT., *March 10, 1910.*

DIRECTOR RECLAMATION,  
*Washington, D. C.:*

L. W. Stockman, engineer, and Otto Brackman, bookkeeper, resigned to accept materially better paying positions, crippling organization. Immediate confirmation recommended; promotions urgent.

SAVAGE.

**Correspondence and documents relating to Klamath project.**

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DEPARTMENT OF THE INTERIOR,  
UNITED STATES GEOLOGICAL SURVEY, RECLAMATION SERVICE,  
*Los Angeles, Cal., May 1, 1905.*

CHIEF ENGINEER, U. S. GEOLOGICAL SURVEY,  
*Washington, D. C.*

DEAR SIR: Your board of consulting engineers appointed for the Klamath project has fully reviewed the plans and estimates submitted by the project engineer, detailed and revised reports of which are transmitted herewith, and begs leave to report as follows:

The total irrigable area under the Klamath project is 236,401 acres net, divided as follows:

	Acres.
Public lands (45 per cent).....	106,929
Private lands (55 per cent).....	129,472
	<u>236,401</u>

Of this area, 90,000 acres, or 38 per cent, are in California, and 146,401 acres, or 62 per cent, are in Oregon. We believe the charges for this project should be proportioned on this ratio between these States.

Physical reasons exist for the apportionment of cost against this project. The upper valleys in the project will necessarily be under a reservoir system. The province of these reservoirs will be both that of supplying irrigation water to these valleys and also to prevent storm waters passing into Tule Lake, which lake it is proposed to drain. The upper valley lands, in our judgment, should pay 50 per cent of the cost of these storage works, the balance of the cost of storage to be assessed against the lake beds.

Klamath Basin proper will be irrigated from the upper Klamath Lake and can naturally be more economically irrigated than other portions of the project. We believe that these lands should be given the benefit therefor.

The Tule Lake bed is a sink or depression, from which it is proposed to cut off the water supply, thus permitting of the partial drying up of the lake by evaporation. These lands, therefore, receive a double service, for which it is considered proper they should adequately pay. For this reason 50 per cent of the charges for the construction of the storage works above referred to have been made against the lake-bed lands. As the lands in the bed of this lake are all public, new settlers can afford to pay a higher water rate thereon than they could do for private lands, which first must be purchased and, in addition, the water right paid for. We therefore have classified these charges as follows:

	Acres.	Rate per acre.	Total.
Upper valleys.....	48,356	\$19.60	\$947,776
Klamath Basin.....	140,797	17.09	2,406,043
Tule Lake bed.....	47,248	22.03	1,040,492
	<u>236,401</u>	<u>18.59</u>	<u>4,394,311</u>

This provides for a system of irrigation and drainage canals for the entire area. Water supply is ample. The lands are fertile and require irrigation. The climatic conditions permit of growing staple crops. Maps of the project have previously been sent to the chief engineer.



The people are anxious to obtain irrigation under the provisions of the reclamation act. The State of Oregon is the greatest contributor to the reclamation fund, and the State of California is fifth on the list.

Private water rights have been carefully considered by the engineers. Options have been obtained and submitted with a preliminary report under date of April 14, 1905, on the Klamath Falls Irrigation Company and on the Little Klamath Water Distribution Company. These canals have been using water for irrigation for over fifteen years. We have also a tentative agreement with the owners of the Carr ranch for the Clear Lake reservoir site, including water and riparian rights on Clear and Tule lakes. These agreements have been approved by the water users' association, and, as we understand, also by the chief engineer and the Secretary of the 3662 Interior. These are the main water rights involved by this project. These canals now irrigate 12,000 acres.

The Klamath Canal Company, organized May 18, 1904, has spent about \$100,000 on irrigation and construction works for the irrigation of 30,000 acres of land in the Klamath Basin. They propose diverting water from Upper Klamath Lake, but the Department of Justice has obtained a temporary injunction against them, as this will be an unauthorized interference with interstate navigable waters. The final hearing on this injunction will be held May 24, 1905.

We have persistently tried to reach an agreement with this company, notwithstanding that we can not use the works they have built. They ask \$200,000 for a sale of all their interests, and, in order to prevent delay and discord, we have offered to recommend the payment to them of \$150,000 for these rights. This offer the company has declined. We can not consistently recommend further negotiations with them. We have, however, inserted a figure in our estimate of \$150,000 for any contingencies which may grow out of this situation.

This project is necessarily an interstate or national problem, owing to the navigable interstate character of the rivers and lakes involved. Both the States of Oregon and California and the United States Congress have passed the necessary legislation for the construction of this project and the disposal of the irrigated lands. Our estimate provides for the preservation and maintenance of all essential navigation interests.

We therefore recommend that an allotment of funds sufficient for the construction of this project as outlined above should be made, and that the supervising engineer be instructed to prepare his plans and final estimates for the completion of the work; also that the landowners be informed that before construction can begin practically all private landowners must sign agreements with the Klamath Water Users' Association, which has been duly organized under the laws of Oregon.

As surveys have not yet been made looking toward the irrigation of arid lands either in Shasta Valley or in Butte Valley, we can not now make recommendations concerning this possible portion of the projects. The works so far considered, however, have been so planned as to permit of the expansion of the project to cover these areas, if in the future it is deemed desirable.

Yours, very truly,

GEO. Y. WISNER.  
W. H. SANDERS.  
JOSEPH JACOBS.  
J. B. LIPPINCOTT.  
T. H. HUMPHREYS.

#### 3654 STATE OF OREGON, *County of Klamath, ss:*

I, J. B. Griffith, being first duly sworn, depose and say that I am a resident of Klamath County, State of Oregon, and own land under the Klamath project and am a stock subscriber to the Klamath Water Users' Association; that before subscribing for stock in the said association I was assured by the engineers of the United States Reclamation Service that water under the Klamath project would cost (\$18.60) eighteen and 60/100 dollars per acre, and not over (\$20.00) twenty dollars per acre under any circumstances; that I was present on the 26th day of November, 1904, in the Houston Opera House, in Klamath Falls, Oregon, at which time and place Mr. F. H. Newell, for the United States Reclamation Service, spoke to the people concerning the Klamath project; that in response to certain questions asked of him during said speech as to the cost per acre under the Klamath project, the said Mr. F. H. Newell assured the people that water under the United States Reclamation Service for the Klamath project would cost (\$18.60) eighteen and 60/100 dollars per acre, and that in no event would it cost more than (\$20.00) twenty dollars per acre; I further depose and say that previous to and at the time of the first appearance of the United States reclamation engineers on the Klamath project I was owner of about 192 acres bordering on Lost River, and that by the use of a water wheel in said river I was

irrigating approximately 150 acres of my land; that upon the determination of the representatives of the United States Government that this project would be approved and government irrigation works be constructed, Mr. T. H. Humphreys, project engineer, conferred with me in regard to giving up my right to the use of the waters of Lost River and signing my land to the Klamath Water Users' Association for government irrigation; that the said T. H. Humphreys stated to me that the cost of the water under the United States Reclamation Service would be \$18.60 per acre, the cost being proportioned as follows: \$10.85 per acre as expense of main canal and \$7.75 per acre as expense of drainage and laterals; the said T. H. Humphreys, in behalf of the United States, offering to pay me the cost apportioned to the main canal, \$10.85 per acre for the 150 acres of land irrigated by me by said wheel in Lost River, it being considered the benefits I would receive by the construction of the drainage system and the lateral system would repay me for that part of the total cost apportioned to same, \$7.75; that after some negotiation I accepted settlement on that basis and entered into contract to waive all rights to the use of water from the said Lost River and to sign all my land to the Klamath Water Users' Association for government irrigation, payment to be made to me of \$10.85 per acre for the 150 acres then being irrigated by me by said wheel in Lost River; this payment to me of the \$10.85 per acre being understood to be the cost per acre for the construction of the main canal, I accepting the benefits to be derived by me from the construction of the drainage system and laterals as consideration for that part of the cost apportioned to them, namely, \$7.75 per acre, and I by virtue of a contract with the Klamath Water Users' Association agreeing to pay the cost apportioned to my land for the construction of the irrigation system, which was at all times during these negotiations represented to me to be \$18.60 per acre; it was only by virtue of the above stated settlement and representations that I signed my land for government irrigation.

J. B. GRIFFITH.

Subscribed and sworn to this 2nd day of January, 1909, before me, a notary public in and for the State of Oregon.

[SEAL.]

CLAUDE P. CHASTAIN.

**STATE OF OREGON, County of Klamath, ss:**

I, S. B. Low, being first duly sworn, depose and say that I am resident of Klamath County, Oregon, of lawful age, and a water user under the first unit of the Klamath project; that I kept time on the government men employed in baling hay on my ranch about 7 miles from Klamath Falls, and that it was as follows:

October 11, 1907, 4 men, 2 teams,  $\frac{1}{2}$  day.  
 October 12, 1907, 3 men, 2 teams, 1 day.  
 October 14, 1907, 5 men, 2 teams, 1 day.  
 October 15, 1907, 5 men, 2 teams, 1 day.  
 October 21, 1907, 4 men, 2 teams, 1 day.  
 October 22, 1907, 4 men, 2 teams, 1 day.  
 October 23, 1907, 4 men, 2 teams, 1 day.  
 October 24, 1907, 4 men, 2 teams, 1 day.  
 October 25, 1907, 2 men, 2 teams, 1 day.  
 October 28, 1907, 4 men, 2 teams,  $\frac{1}{2}$  day.  
 October 29, 1907, 4 men, 2 teams, 1 day.  
 October 30, 1907, 4 men, 2 teams, 1 day.  
 October 31, 1907, 4 men, 2 teams, 1 day.  
 November 1, 1907, 4 men, 2 teams, 1 day.  
 November 2, 1907, 4 men, 2 teams, 1 day.  
 November 5, 1907, 4 men, 2 teams, 1 day.  
 November 6, 1907, 4 men, 2 teams, 1 day.  
 November 7, 1907, 4 men, 2 teams, 1 day.

That during said time men were paid \$3 per day and that a team was worth, including its keep, about \$2 per day, and that the cost of baling said hay was about \$6 per ton; that about 39 tons were baled by the men during the time set forth; that the same hay could have been baled at a maximum cost of \$3 per ton; that the cost of baling was about double what it should have cost.

S. B. Low.

Subscribed and sworn to before me this 12th day of January, 1909.

RICHARD SHORE SMITH,  
 Notary Public for Oregon.

**STATE OF OREGON, County of Klamath, ss:**

I, R. A. Emmett, being first duly sworn, depose and say that I am a stock subscriber of the Klamath Water Users' Association; that I was present in the opera house in Klamath Falls, Oregon, when F. H. Newell spoke to the people concerning the Klamath project; that I had talked with Engineer T. H. Humphreys, stating that we wanted to know the limit of the cost per acre under the project; that while Mr.

F. H. Newell was speaking Mr. Humphreys whispered to me that if I wanted 3656 to know the cost per acre to ask Mr. Newell, and you will get the information.

I asked Mr. Newell during his public speech what would be the cost per acre, and he replied it would not be less than \$10 nor more than \$20 per acre.

I also state that I understood then and at all times that it covered all costs until the ditch was turned over to the Klamath Water Users' Association. With this understanding I signed up my land to the said association.

R. A. EMMETT.

Subscribed and sworn to before me this 21st day of January, 1909.

\_\_\_\_\_  
Notary Public for Oregon.

**STATE OF OREGON, County of Klamath, ss:**

I, S. B. Low, being first duly sworn, depose and say that I am a resident of Klamath County, State of Oregon, and own land under the Klamath project, and am a stock subscriber to the Klamath Water Users' Association; that I signed my land to the said association for government irrigation, with the understanding that the cost of water under the United States Reclamation Service would be \$18.60 per acre, and that in no event would the cost be more than \$20.00 per acre; that it was only upon this understanding that I signed my land to the said association for government irrigation.

(Signed) S. B. Low.

Subscribed and sworn to before me this 12th day of January, 1909.

[SEAL.]

(Signed)

CLAUDE P. CHASTAIN,  
Notary Public for Oregon.

**STATE OF OREGON, County of Klamath, ss:**

I, B. S. Grigsby, being first duly sworn, depose and say that I am a resident of Klamath County, State of Oregon, and a landowner under the Klamath project and a stock subscriber to the Klamath Water Users' Association, that before subscribing my land to the said association for government irrigation I attended a public meeting held in Houston's Opera House, Klamath Falls, Oregon, where F. H. Newell, for the U. S. Reclamation Service, addressed the people in regard to the Klamath project; that in the course of his remarks the said F. H. Newell stated that water under the Klamath project would cost more than ten and less than twenty dollars per acre.

B. S. GRIGSBY.

Subscribed and sworn to before me this 30th day of December, 1908.

CLAUDE P. CHASTAIN,  
Notary Public for Oregon.

**STATE OF OREGON, County of Klamath, ss:**

I, S. B. Low, being first duly sworn, depose and say that I signed up my land to the Brown-Hawkins Co. before the Government Reclamation Service entered the Klamath project; that before finally canceling the contract with the above-named company and signing up to the Klamath Water Users' Association, the said company agreed to furnish me with water for a period of ten years at the agreed price of \$15.00 per acre, paying at the rate of \$1.50 per year, without interest, provided they could get 60,000 acres signed up to the said company; that at the end of ten years the ditch was to be turned over to the water users, and all structures were to be concrete and steel, the said company reserving to themselves all power they might develop and also the right to navigate the main canal.

S. B. Low.

Subscribed and sworn to before me this 12th day of January, 1909.

[SEAL.]

RICHARD SHORE SMITH.

3657 STATE OF OREGON, *County of Klamath, ss:*

I, F. P. Van Meter, being first duly sworn, depose and say that I am a resident of Klamath County, State of Oregon, and a stock subscriber to the Klamath Water Users' Association, and own land under the Klamath project; that before subscribing for stock in the said association I was assured by the engineers for the United States Reclamation Service that water under the Klamath project would cost about \$18.60 per acre, and not over \$20 per acre under any circumstances; that I was present on the 26th day of November, 1904, in the Houston Opera House, in Klamath Falls, Klamath County, Oregon, at which time and place Mr. F. H. Newell, for the United States Reclamation Service, spoke to the people concerning the Klamath project; that in response to certain questions asked of him during said speech as to the cost per acre under the Klamath project, the said Mr. F. H. Newell assured the people that water under the United States Reclamation Service for the Klamath project would cost about \$18.60 per acre, and that in no event would it cost more than \$20 per acre.

F. P. VAN METER.

Subscribed and sworn to before me this 28th day of December, 1908.

[SEAL.]

CLAUDE P. CHASTAIN,  
*Notary Public for Oregon.*

My commission expires 1910.

STATE OF OREGON, *County of Klamath, ss:*

I, Burrell W. Short, being first duly sworn, depose and say that I am a resident of Klamath County, State of Oregon, and a stock subscriber to the Klamath Water Users' Association, and own land under the Klamath project; that before subscribing for stock in the said association I was assured by the engineers for the United States Reclamation Service that water under the Klamath project would cost \$18.60 per acre and not over \$20 per acre under any circumstances; that I was present at the public meeting held in the Houston Opera House, in Klamath Falls, Klamath County, Oregon, at which time and place Mr. F. H. Newell, for the United States Reclamation Service, spoke to the people concerning the Klamath project; that in response to certain questions asked of him during said speech as to the cost per acre under the Klamath project, the said Mr. F. H. Newell assured the people that water under the United States Reclamation Service for the Klamath project would cost \$18.60 per acre, and that in no event would it cost more than \$20.00 per acre.

BURRELL SHORT.

Subscribed and sworn to before me this 15th day of December, 1908.

[SEAL.]

CLAUDE P. CHASTAIN,  
*Notary Public for Oregon.*

My commission expires 1910.

STATE OF OREGON, *County of Klamath, ss:*

I, J. T. Roberts, being first duly sworn, depose and say that I am a resident of Klamath County, State of Oregon, and a stock subscriber to the Klamath Water Users' Association, and own land under the Klamath project; that before subscribing for stock in the said association, I was assured by the engineers for the United States Reclamation Service, that water under the Klamath project would cost \$18.60 per acre, and not over \$20 per acre under any circumstances; that I was present on the — day of —, 190—, in the Houston Opera House, in Klamath Falls, Klamath County, Oregon, at which time and place, Mr. F. H. Newell, for the United States Reclamation Service, spoke to the people concerning the Klamath project; that in response to certain questions asked of him during said speech as to the cost per acre under the Klamath project, the said Mr. F. H. Newell assured the people that water under the United States Reclamation Service for the Klamath project would cost \$18.60 per acre, and that in no event would it cost more than \$20 per acre.

J. T. ROBERTS.

Subscribed and sworn to before me this 12th day of December, 1908.

[SEAL.]

CLAUDE P. CHASTAIN,  
*Notary Public for Oregon.*

My commission expires 1910.

[Telegram.]

3743

NOVEMBER 8, 1909.

JOHN IRWIN,  
*Vice-President Klamath Water Users' Association, Klamath Falls, Oreg.:*

Answering yours October 24, will not make either promise or threat respecting diversion of funds to influence action of your association. Cooperation of landowners desired to secure best results. I will do what the law and conditions dictate.

BALLINGER, *Secretary.*  
 W. C. P.

Chg. G. R.

### Correspondence relating to the Roosevelt dam.

2014

[VGC-GMA]

MAY 27, 1909.

SUPERVISING ENGINEER U. S. RECLAMATION SERVICE,  
*Phoenix, Ariz.*

DEAR SIR: The data furnished this office for use in preparing the twenty-ninth quarterly estimate shows that the Salt River project expenditures will exceed the allotment by \$612,000 on October 1. As the reclamation fund is very low and all projects have reduced operations to the minimum, your estimate has been tentatively reduced in this office as follows:

Items.	Estimates submitted.	Reduced estimates.
1. Salaries, engineers.....	\$14,000	\$10,000
2. Wages, foremen.....	92,000	40,000
3. Supplies, subsistence, etc.....	10,000	5,000
4. Materials.....	55,000	25,000
5. Equipment.....	5,000	3,000
6. Purchase of lands.....	65,000	5,000
7. Freight.....	40,000	20,000
9. O'Rourke.....	190,000	50,000
10. Wolf Sachs.....	4,500	3,000
11. Standard Oil.....	7,000	4,000
12. Shattuck & Nimmo.....	28,000	20,000
13. Lidgerwood Machine Co.....	4,500	4,500
14. Chalmers & Williams.....	9,000	5,500
15. General Electric Co.....	6,000	6,000
16. S. Morgan Smith.....	5,000	5,000
17. Miscellaneous.....	10,000	.....
	545,000	206,000

In order to accomplish the above reductions, it will be necessary for you, as soon as the average height of the dam is certainly up to 150 feet, to notify J. M. O'Rourke & Co., to close down all masonry work, this closure to last until September 1 or longer, if necessary. This will enable you to close down the cement mill, the sand plant, and miscellaneous work, thus reducing your force account expenses very materially. It will probably be necessary to continue the operations of the cement plant for about one month in order to provide a supply of cement to enable O'Rourke to begin operations when funds are available.

Please advise if any obligations have been incurred which will require expenditures in excess of the reduced allotment as above set forth. The quarterly estimate is being held pending receipt of reply from you on this point. An effort will be made to secure a transfer of funds from some of the other projects to cover the amount of the deficit which will still exist in the Salt River allotment.

Very truly, yours,

A. P. DAVIS, *Acting Director.*

P. S.—It is hoped that a warrant on the funds received in the current fiscal year can be obtained from the Secretary of the Treasury before the expiration of July. But until this is done expenditures in excess of available funds can not be authorized.

2012 LCH MAK.]

LOS ANGELES, CAL., June 4, 1909.

Mr. CHESTER W. SMITH, *Engineer*,  
U. S. Reclamation Service, Roosevelt, Ariz.

DEAR SIR: According to the terms of the contract with J. M. O'Rourke & Co., the United States reserves the right to cease work of laying masonry on the Roosevelt Dam during the months of June, July, August, and September, when the average height of the dam above datum is 150 feet. I have been instructed by the director that we will avail ourselves of this clause in the contract, and that as soon as the average height of the dam certainly reaches 150 feet no further masonry will be laid until September 1st, and possibly until October 1st.

Kindly notify the contractor, sending him also the inclosed copy of this letter.

Very truly, yours,

LOUIS C. HILL,  
*Supervising Engineer.*

[Telegram.]

2016

JUNE 23, 1909.

LOUIS C. HILL, *Supervising Engineer.*

O'Rourke here. Appeals to the Secretary that dam not completed to 150 feet and that he should not be put to loss by stopping. If money made available, would you recommend continuing during summer?

NEWELL.

2018

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
OFFICE OF THE DIRECTOR,  
Washington, June 24, 1909.

[Memorandum for Mr. Finney.]

In reply to my telegram of last night, Mr. Louis C. Hill, supervising engineer, wires as follows:

"Dam will probably be completed to average height hundred fifty feet middle of July; unless shut down would affect contract do not recommend continuing during summer under existing conditions."

Very truly, yours,

F. H. NEWELL, *Director.*

[E. C. F.]

DEPARTMENT OF THE INTERIOR,  
Washington, June 24, 1909.

The DIRECTOR OF THE RECLAMATION SERVICE,  
Washington, D. C.

SIR: Pursuant to instructions, the supervising engineer, Los Angeles, California, on June 4, 1909, directed the project engineer at Roosevelt, Arizona, that, under the terms of the contract with J. M. O'Rourke & Co., the latter would be required to discontinue the work of laying masonry upon the Roosevelt dam as soon as the same reaches the average height of 150 feet, no further work thereon to be done until September 1st, or possibly October 1st.

The contractor has protested against this action, on the ground that the contract does not authorize the cessation of work when the dam has reached an "average" height of 150 feet, but only after "the completion of the dam to the 150-foot level;" that the dam in question is in part only completed to the height of 107 feet, over which portion such an amount of water is running, owing to an accident to the diversion tunnel, as to preclude work thereon by the contractor. It is also urged that the engineers in the field are of the opinion that the heat will not affect the masonry work during the summer months if it is kept wet while being laid. It is urged that it would be unfair to compel the contractor to shut down the work for two or three months, as it would result not only in a financial loss but in a disorganization of their forces and a delay in reassembling same after work is permitted to be resumed.

2019 It is the understanding of this department that the financial part of the matter does not form an insuperable barrier to a continuance of the work, as sufficient advances can be obtained from the reclamation fund in the Treasury for that purpose.

To say the least, it is exceedingly doubtful whether the clause in the contract authorizing the discontinuance of the work warrants such action when an average height of 150 feet is reached. It is extremely probable that the courts would construe the clause to mean that the entire dam must be constructed to that height before the clause can be invoked.

In view of this fact, and as no vital or substantially important reason for discontinuing the work has been advanced, I have to direct that the suspension of work be revoked and the contractor allowed to proceed with the construction.

Very respectfully,

FRANK PIERCE, *Acting Secretary.*

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**Correspondence and documents relating to Lake Tahoe matter.**

3052

DEPARTMENT OF THE INTERIOR,  
*Washington, April 24, 1908.*

THE SECRETARY OF THE INTERIOR.

SIR: Much difficulty has been encountered in securing the property at the outlet of Lake Tahoe through the Fleishhackers, who control the lands. Negotiations have been in progress for more than four years and but little advance has been made.

At the present time the California-Nevada Electric Power Company is making plans for a large power development in western Nevada, and it is understood has secured an option from the Fleishhacker interests for their power plants on the Truckee River and also for the lands at the outlet of Lake Tahoe. There is good reason to believe that this company can secure the necessary funds for carrying out their plans and closing these transactions with the Fleishhacker interests. The company, however, recognizes the necessity of avoiding interference with irrigation development, and recognizes also the fact that cooperation with the Reclamation Service is essential to a successful development of its plans for utilizing the waters of the Truckee River.

The company proposes if it secures control of Lake Tahoe to provide for a maximum storage and by means of a tunnel some four miles long to draw the water of the lake to the Washoe Valley at the eastern foot of the mountains, utilizing the large available fall for the development of power.

The company can readily provide storage in Lake Tahoe and Washoe Lake to the extent at least of 200,000 acre-feet annually, and is willing to furnish this water supply to the Reclamation Service with proper guaranties to insure delivery upon the understanding that the United States will make no further effort to secure the control of the outlet of Lake Tahoe.

The questions involved, so far as the Reclamation Service is concerned, have been under consideration by the chief engineer and several boards of engineers at various times for nearly a year. The country has been inspected, the company's plans have been studied, and the conclusion has been reached that such a plan as is outlined in the accompanying letter addressed to Mr. F. G. Baum, president of the company, would meet fully the requirements of the Truckee-Carson project in regard to storage in Lake Tahoe, would solve many difficulties involved in the pending negotiations with the various interests concerned, and would, moreover, constitute a material saving in dispensing with the necessity of construction, by the Reclamation Service, of regulating devices to control the waters of Lake Tahoe.

I recommend, therefore, that you authorize the acceptance of the tentative proposition as outlined in general terms in the accompanying draft of a letter to Mr. Baum.

Very respectfully,

F. H. NEWELL, *Director.*

Approved April 24, 1908.

JAMES RUDOLPH GARFIELD,  
*Secretary.*

3053

APRIL 24, 1908.

Mr. F. G. BAUM,  
President California-Nevada Electric Power Company,  
Washington, D. C.

DEAR SIR: Careful consideration has been given to your plan for handling storage in Lake Tahoe as follows:

1. Your company is to store and deliver to the Reclamation Service for the Truckee-Carson project a minimum of 200,000 acre-feet of water at such times during the irrigation season of each year, comprising the period from April 15 to October 15, as may be needed for the project.

2. Said water supply is to be delivered through Washoe Lake or through the natural channel of the Truckee River, or both, as may be found practicable by your company. The water delivered is to be measured at the outlets of Lake Tahoe and Washoe Lake.

3. Appropriate stipulations for insuring this water supply to the project will be incorporated in a contract to be entered into between the company and the United States.

The propositions so outlined are in full accord with the plans of the United States for the development of the Truckee-Carson project and a contract so drawn as to carry these propositions into effect will be acceptable to the Reclamation Service.

Very respectfully,

\_\_\_\_\_  
Director.

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
OFFICE OF THE DIRECTOR,  
Washington, D. C., April 22, 1909.

The SECRETARY OF THE INTERIOR.

SIR: Herewith is transmitted a letter regarding a proposed contract for the control by the Government of the outlet of Lake Tahoe as required in connection with the Truckee-Carson project. The letter is accompanied by a draft of the contract and reviews its principal features. It is assumed that the contract will be thoroughly reviewed in the office of the Assistant Attorney-General.

There is also transmitted draft of a letter to the Secretary of Agriculture, prepared for your signature, submitting a feature of the contract which involves the Tahoe National Forest.

Very respectfully,

A. P. DAVIS, Acting Director.

The draft of contract is submitted with recommendation that the same be examined and that the form be approved if found satisfactory.

Very respectfully,

A. P. DAVIS, Acting Director.

3054

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
OFFICE OF THE DIRECTOR,  
Washington, D. C., April 22, 1909.

The SECRETARY OF THE INTERIOR.

SIR: I have the honor to transmit herewith draft of a contract proposed to be entered into with the Truckee River General Electric Company for the control of the outlet of Lake Tahoe by the United States in order to secure the proper storage of water in the lake for the Truckee-Carson project.

Storage in Lake Tahoe has always been regarded as an essential part of the Truckee-Carson project and negotiations for the acquisition of ownership or control of the outlet have been in project for about six years.

At one time it appeared possible to acquire the ownership of a tract of land at the outlet at a cost of \$56,000, the purchase having been authorized by the Secretary of the Interior on September 23, 1908.

Subsequently there was a change in ownership, and it became impossible to close the purchase, and it also seemed impracticable to reach any adjustment at all.

The needs of the project for storage had become urgent and it seemed necessary to acquire the ownership of the outlet by proceedings in eminent domain. Accordingly, the Attorney-General was requested by the Secretary of the Interior to bring such proceedings under date of January 9, 1909.



Suit was brought in February, 1909. Meanwhile there had been a further change in the control of this land and the parties now in control renewed the negotiations, which have culminated in a draft of contract that seems to this office to be acceptable and which also appears satisfactory to the interests in control.

The contract provides that the Truckee River General Electric Company shall reconstruct the dam at the outlet of Lake Tahoe and provide for a change in grade of the Lake Tahoe Railway and Transportation Company so that there may be safely discharged 2,500 cubic feet of water per second down the Truckee River.

Commencing on November 1, 1909, the United States is to have exclusive control of the operation of the dam and outlet works and shall be entitled to use for the Truckee-Carson project all the waters available by storage in the lake, subject to specified quantities of flow needed for certain electric and manufacturing plants along the Truckee River and subject also to prior rights of irrigators in Reno Valley.

Under the terms of paragraph 5, it is agreed that when the company shall relieve the United States of the necessity of regulating the flow so as to serve the power plants on the Truckee River and when the company shall have made adequate provision to satisfy other vested rights along the river, there shall be delivered to the company at another outlet an amount of water equivalent to a daily average draft of 240 cubic feet per second.

This water is intended to be used through a tunnel tapping the waters of the lake on the east side and carrying them into Washoe Lake through a power plant. This is an alternative proposition in case the company carries out its contemplated plan for power development by these means. The company in this case is required to make such provision by storage or otherwise that there shall be no waste for irrigation purposes of the waters diverted through their tunnel.

In case this plan is carried out the company is to have the exclusive right to use the waters so diverted for power purposes before they are delivered to the United States for the Truckee-Carson project and the company is to have the right to use the public lands which may be necessary in connection with these plans.

In addition to the other mutual considerations the United States is to pay to the company an amount equal to one-half the cost of the outlet works and is also to lease to the company a tract of 63 acres adjoining the outlet which is now owned by the United States and was purchased some years ago in connection with the project. The company is to have the option of purchase of this land in case authority for that purpose shall be given by Congress within ten years from the date of the contract. The contract also provides that the control of the outlet works shall not be transferred by the United States to any other person, firm, or corporation.

Paragraph 13 provides that the contract shall be subject to the approval of the Secretary of the Interior, whose approval or disapproval will be signified within thirty days from the receipt of copy thereof, duly executed by the company.

It is understood that this draft of contract is about to be submitted to the company in San Francisco and it is therefore desired that the views of the department thereon may be available by the time the company has taken action, which it is understood will be at an early date.

The proposed tunnel of the company will lie wholly upon private land and runs for about 2½ miles within the limits of the Tahoe National Forest.

There is herewith transmitted a draft of a letter to the Secretary of Agriculture with draft of the contract to be forwarded with request for a statement whether there is anything objectionable in the provisions of paragraph 7 relating thereto.

The stipulations of the contract seem to this office reasonable, and all interests of the project are fully protected.

The draft of contract is submitted with recommendation that the same be examined and that the form be approved if found satisfactory.

Very respectfully,

A. P. DAVIS,  
*Acting Director.*

(\_\_\_\_\_, 1909. To Assistant Attorney-General for consideration. \_\_\_\_\_,  
Secretary.)

3057

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
Washington, D. C., June 16, 1909.

The honorable the SECRETARY OF THE INTERIOR.

SIR: Referring to the proposed agreement with the Truckee River General Electric Company, transmitted by Mr. A. P. Davis for your approval on June 9, it now appears that after several conferences the objections heretofore raised have been met.

It is important that the contract be entered into, as the benefits accruing are an ultimate saving to the United States of approximately \$1,000,000 in the cost of water storage; also an immediate saving of about \$85,000 in the cost of the land and dam. In addition there is a gain in time worth, directly and indirectly, many thousands of dollars to the people of Nevada.

If a contract embodying these matters is not entered into, it will be necessary to initiate condemnation proceedings, which, even if successful, can not be expected to leave the Government in any better position. At most, it is hoped by condemnation to gain possession of the ground covering the outlet works, but this does not carry with it any additional water supply nor additional water power, and no greater control of the waters of Lake Tahoe. In other words, by condemnation proceedings the Government would be placed in a position of responsibility to operate the outlet in the interest of vested rights already accrued along the river, and would then be compelled to negotiate some such contract as that now proposed when the question of power development is raised, which may be at any time.

So far as can be ascertained from the records, there is no considerable area of public land involved in the future operations of the company. The point of second diversion and the tunnel are wholly on lands which have passed into private ownership. There may be some small isolated tracts of public land which may be crossed or covered by future proposed works, but which can possibly be avoided by detours. The public interests, however, can be considered when, in due course of time, the company's plans are more definitely matured and applications made for the right to use such lands. A more complete memorandum is transmitted herewith.

I therefore respectfully recommend that the agreement be approved at the earliest practicable date.

Very respectfully,

F. H. NEWELL,  
*Director.*

Approved \_\_\_\_\_, 1909.  
\_\_\_\_\_, *Secretary.*

3058

MEMORANDUM FOR THE SECRETARY.

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
Washington, D. C., June 16, 1909.

Analysis of conditions involved in proposed contract with Truckee River General Electric Company for control of waters of Lake Tahoe.

The contract covers two independent propositions, from each of which the United States derives substantial benefits. The company is benefited by one of them. The two propositions are:

1. The control of the outlet of Lake Tahoe and of its storage possibilities.
2. The utilization of the waters of the lake for a new power development.

The two propositions will be separately discussed.

First. By this contract the United States gains all the benefits which it would derive by purchase or condemnation. It obtains the exclusive right to control the outflow of the lake. It can secure the maximum benefit of water storage for the Truckee-Carson project and is not limited in the management of the outlet, except so far as may be required to supply water rights on the Truckee River, which have long since vested and are now in actual use.

The Government is, of course, required to recognize the vested rights of the irrigators in Reno Valley, Nevada. The exact extent of these rights is not now known, but is in course of determination by the state engineer of Nevada.

If the United States should condemn the land at the outlet, the minimum price to be expected is \$50,000. The estimated cost of the dam, which the Government would then be required to construct at its sole expense, is also about \$50,000. The estimated cost of moving the railroad track, which is necessary to provide for the increased discharge of the river, is not accurately known, but is estimated at about \$10,000.

The acquisition by condemnation of title to the outlet would therefore cost at least \$110,000 and would give to the United States no benefit that is not given by this contract at a cost of \$25,000.

Second. The other proposition covered by the contract is independent of the first and is one which the department must necessarily meet even if title to the outlet be acquired by condemnation.

The possible power development by driving a tunnel from the east to tap the waters of Lake Tahoe is of great importance to the entire western half of the State of Nevada. Such a tunnel may be built within the next few years, regardless of any action which might be taken upon this contract. The department will then be confronted with the question as to what steps can be taken to protect the storage required in Lake Tahoe for the Truckee-Carson project. There appears to be no reason for asking greater concessions than those provided by this contract.

The benefits derived for the Truckee-Carson project from the concessions made by the company in regard to the tunnel proposition are practically equivalent to securing for the project the entire storage capacity of Lake Tahoe, amounting to about 200,000 acre-feet per annum, and without the necessary diminution on account of the power plants on the Truckee River and on account of the irrigation rights in Reno Valley. The value of the benefit was estimated in the letter of the Reclamation Service on June 9 as about \$1,000,000.

The company assumes under the proposed contract the responsibility for satisfying all vested water rights, in itself a valuable concession to the Government.

In discussing the general proposition, reference has been made to the company obtaining permission to construct the tunnel through the national forest. As the land involved is in private ownership, it is doubted whether an application to the Agricultural Department would be necessary to secure the right to construct the tunnel, even though the land is included within the external boundaries of the national forest.

In regard to the other storage reservoirs which the company would construct for the purpose of rendering available to the United States the full storage capacity of Lake Tahoe, in case the tunnel is built it is definitely known that few, if any, tracts of public land will be involved. It may be stated that these few tracts of public land were withdrawn some years ago under the provisions of the reclamation act for the purpose of providing additional storage, to be used in practically the same manner as is proposed under this contract.

To summarize the benefits to the Government under this contract, we may state that in money it represents a saving of about \$85,000 in the purchase of the land at the outlet of Lake Tahoe and the construction of the dam. It also saves ultimately about a million dollars to the Government in providing additional storage.

3059 The further advantage to the people of the country is the saving of several years in time and the withholding of an immediate outlay from the reclamation fund to provide the storage which the project now requires. This is estimated at about \$400,000.

This \$400,000 is not a net saving to the United States in the long run, but the necessity for providing this amount at once would involve serious considerations in the allotment of funds to the various projects. The contract would permit the postponement of this expenditure until some future time when the larger projects now under construction are completed.

#### OBJECTIONS TO THE CONTRACT.

Assistant Attorney-General Lawler, in his criticism of the contract, mentions the possible complications which might arise because of further development of power on the Truckee River.

If the company does not build its tunnel this question would not be material, as these possibilities might be developed without affecting the water supply. If the company builds its tunnel, the company will be required as a condition precedent to satisfy all vested rights along Truckee River. The effect of additional power developments on the Truckee River could not in any event be detrimental to the interests of the Truckee-Carson project.

The other objections presented in the Assistant Attorney-General's letter have been met by changes made in the contract. In regard to the question of water rights, the Reclamation Service in 1903 made a complete abstract of water-right claims of record involving the Truckee River, both in California and Nevada. It has since kept in close touch with the conditions and is informed as to all matters which would affect the rights of the Government, which depend upon water-right appropriations filed May 21, 1903, and upon diligent prosecution of the work for the utilization of the water supply in question.

Objection was made by the Assistant Attorney-General that the proposed contract gives the power company extensive rights on public lands along the Truckee River and its tributaries, most of which lands are now included within the national forest.

As hereinbefore stated, the amount of public lands involved is very small, and the company could readily acquire the right to use them in connection with its power development by making an appropriate application to the Department of Agricul-

ture. In such case the Secretary of Agriculture would submit the matter to the Department of the Interior, and in order to preserve the interests of the Government it would be necessary for the Secretary of the Interior to recommend either to refuse the rights involved or to impose such conditions as would be necessary to protect the interests of the project, which would necessarily be along the same lines as in this contract.

The Government must then decide either to refuse the use of these lands entirely, and thus prevent the development of this enterprise without itself being able to utilize the lands for many years, or secure a stipulation containing conditions of much the same character as in this contract.

No exclusive rights are given to this company for the purposes in question. In fact, the company agrees to limitations upon the use of its own lands in order that its use of the public lands may not interfere with the interests of the Government.

#### CONDEMNATION PROCEEDINGS.

A successful suit in condemnation would give the Government no additional water supply, no additional water power, and no greater control over the waters of Lake Tahoe than it would acquire under this contract.

The vested rights involved in the delivery of 400 and 500 second-feet of water, as required by the contract, can not be eliminated by condemnation proceedings except by including in the proceedings the power and manufacturing plants now in existence along Truckee River, for which this water is to be furnished. This probably would cost in the neighborhood of \$3,000,000, and the right to acquire these commercial plants may be questioned.

Furthermore, the 500 second-feet to be delivered in the summer for the power plants is nearly all required, in any event, to meet the irrigation demands in the Reno Valley.

Condemnation proceedings will involve a delay of perhaps five years if the case is vigorously fought by the company. They involve the General Treasury in large expenditure for legal proceedings and will cost the reclamation fund at least \$85,000 more than is necessary in order to acquire the same rights by this contract. United States Attorney Devlin has expressed some doubt whether the United States has such rights in the matter as will furnish a proper basis for condemnation.

3060 The powers given to the Secretary by section 7 of the reclamation act to acquire any rights or property necessary to carry out the provisions of the act by purchase or by condemnation under judicial process would surely cover a contract which will secure to the Government every advantage that could possibly be derived by condemnation proceedings.

Very respectfully,

(Signed) F. H. NEWELL, *Director.*

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DEPARTMENT OF THE INTERIOR,  
*Washington, June 16, 1909.*

SIR: Referring to the attached copy of proposed agreement between your company, as represented by Mr. Wallace, and the United States relative to the use of waters from Lake Tahoe and the Truckee River for irrigation, and to the control and operation of works constructed or to be constructed in connection therewith, I have to advise you that upon presentation of a contract identical with this copy duly executed same will receive my approval.

Very respectfully,

R. A. BALLINGER, *Secretary.*

The TRUCKEE RIVER GENERAL ELECTRIC COMPANY,  
*Washington, D. C.*

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2062

BILLINGS, MONT., *August 15, 1909.*

MY DEAR MR. LAWLER: Your letter of August 5 reached me at Glendive. I have asked Mr. Newell and Mr. Davis to take up the objections to the Lake Tahoe contract, and either themselves prepare or cause to be prepared a complete statement respecting each of the objections advanced, as requested by you.

Director Smith, of the Geological Survey, spoke to me at Spokane in reference to Mr. Mondell's desire to have certain lands classified within the double homestead

act. I think he will communicate with Mr. Veach, and, as I understood him, he was inclined to believe the land should be classified as urged by Mr. Mondell.

In reply to your letter of August 7, relating to the situation at Imperial, Cal., a committee waited upon me at Seattle, and I took the matter up with Mr. Dennett, and it was understood that Mr. Schwartz would be permitted to proceed according to the former understanding, the whole matter to be worked out by Satterwhite. I am not sufficiently familiar with the conditions to give any advice.

I also note what you say in your letter of the 7th instant in reference to the segregation of the balance of T. 45 N., R. 62 W., in Wyoming, which is spoken of above. I wired you yesterday with regard to the Cunningham coal entries in Alaska that I had, since assuming office, taken no part in the disposition of these cases, and directed that they be handled entirely by the Commissioner of the General Land Office and Secretary Pierce without conference or consideration by me in any respect, as I considered that my relation to the matter while out of office rendered it improper for me to have any connection with the cases. The record is clear in this respect, and I discussed the matter with the President at the time I showed a letter to him from Mr. Miles Moore and my reply thereto, and I also advised with the President in reference to sending up certain questions to the Attorney-General, which were transmitted over the signature of Secretary Pierce.

From information coming to me it would appear that Chief of Field Division Glavis is endeavoring to make trouble for his superior officers without any justification whatever for his acts. I wish you would speak to Mr. Schwartz regarding this matter and see that a full investigation of Mr. Glavis's conduct in this matter is had.

I have seen the deluge of inspired matter that has gone out through the press, and while I am, of course, annoyed at the falseness of it, I am content to abide the result, as shown upon the record and as exists in fact. The agitation may prove in its final analysis beneficial; and the result will necessarily, in view of the facts if properly presented, wholly exonerate the department from any blame or censure whatever.

I sincerely appreciate your activity in bringing to the front the truth and have (as I have said before) the utmost confidence in you.

Sincerely, yours,

R. A. BALLINGER,  
*Secretary.*

HON. OSCAR W. LAWLER,  
*Assistant Attorney-General, Department of the Interior,  
Washington, D. C.*

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**Documents relating to treaty with Mexico providing for equitable distribution of the waters of the Rio Grande for irrigation purposes.**

4228

[From sundry civil bill, March 4, 1907.]

CONVENTION WITH MEXICO: Toward the construction of a dam for storing and delivering sixty thousand acre-feet of water annually, in the bed of the Rio Grande at the point where the headworks of the Acequia Madre now exist, above the city of Juarez, Mexico, as provided by a convention between the United States and Mexico, proclaimed January sixteenth, nineteen hundred and seven, one million dollars, to be available as needed and to be expended under the direction of the Secretary of the Interior in connection with the irrigation project on the Rio Grande: *Provided*, That the balance of the cost of said irrigation project over and above the amount herein appropriated shall be allotted by the Secretary of the Interior as may be needed and as may be available from time to time from the reclamation fund and collected from the settlers and owners of the land benefited under the provisions of the reclamation act approved June seventeenth, nineteen hundred and two, and acts supplemental thereto or amendatory thereof.

CONVENTION BETWEEN THE UNITED STATES AND MEXICO PROVIDING FOR THE EQUITABLE DISTRIBUTION OF THE WATERS OF THE RIO GRANDE FOR IRRIGATION PURPOSES.

Signed at Washington May 21, 1906.

Ratification advised by the Senate June 26, 1906.

Ratified by the President December 26, 1906.

Ratified by Mexico January 5, 1907.

Ratifications exchanged at Washington January 16, 1907.

Proclaimed January 16, 1907.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a convention between the United States of America and the United States of Mexico, providing for the equitable distribution of the waters of the Rio Grande for irrigation purposes, and to remove all causes of controversy between them in respect thereto, was concluded and signed by their respective plenipotentiaries at Washington on the twenty-first day of May, one thousand nine hundred and  
4230 six, the original of which convention, being in the English and Spanish languages, is word for word as follows:

The United States of America and the United States of Mexico being desirous to provide for the equitable distribution of the waters of the Rio Grande for irrigation purposes, and to remove all causes of controversy between them in respect thereto, and being moved by considerations of international comity, have resolved to conclude a convention for these purposes and have named as their plenipotentiaries:

The President of the United States of America, Elihu Root, Secretary of State of the United States; and

The President of the United States of Mexico, His Excellency Señor Don Joaquín D. Casasús, ambassador extraordinary and plenipotentiary of the United States of Mexico at Washington; who, after having exhibited their respective full powers, which were found to be in good and due form, have agreed upon the following articles:

ARTICLE I.

After the completion of the proposed storage dam near Engle, New Mexico, and the distributing system auxiliary thereto, and as soon as water shall be available in said system for the purpose, the United States shall deliver to Mexico a total of 60,000 acre-feet of water annually, in the bed of the Rio Grande at the point where the head works of the Acequia Madre, known as the Old Mexican Canal, now exist above the city of Juarez, Mexico.

Los Estados Unidos de América y los Estados Unidos Mexicanos desearios de ponerse de acuerdo en la equitativa distribución de las aguas del Río Grande para fines de irrigación, y de alejar todas las causas de discusión entre ellos á ese respecto, y obrando por consideraciones de cortesía internacional, han resuelto celebrar una Convención con este propósito y han nombrado sus Plenipotenciarios, á saber:

El Presidente de los Estados Unidos de América, al Señor Elihu Root, Secretario de Estado de los Estados Unidos; y

El Presidente de los Estados Unidos Mexicanos, á Su Excelencia el Señor Don Joaquín D. Casasús, Embajador Extraordinario y Plenipotenciario de los Estados Unidos Mexicanos en Washington; quienes, después de presentar sus plenos poderes respectivos, que se encontraron en buena y debida forma, han convenido en los artículos siguientes:

ARTÍCULO I.

Una vez que se hayan terminado la proyectada presa cerca de Engle, Nuevo México, y el sistema auxiliar de distribución al efecto, y tan luego como haya agua disponible para el objeto en dicho sistema, los Estados Unidos entregarán á México un total de 60,000 acres pies de agua anualmente, en el lecho del Río Grande y en el punto en donde se encuentran ahora las obras principales de la Acequia Madre, conocida con el nombre de viejo canal mexicano, arriba de Ciudad Juarez, México.

## ARTICLE II.

The delivery of the said amount of water shall be assured by the United States and shall be distributed through the year in the same proportions as the water supply proposed to be furnished from the said irrigation system to lands in the United States in the vicinity of El Paso, Texas, according to the following schedule, as nearly as may be possible:

	Acre-feet per month.	Corresponding cubic feet of water.
January.....	0	0
February.....	1,000	47,480,400
March.....	5,460	237,837,600
April.....	12,000	522,720,000
May.....	12,000	522,720,000
June.....	12,000	522,720,000
July.....	8,180	356,320,800
August.....	4,370	190,357,200
September.....	3,270	142,441,200
October.....	1,090	47,480,400
November.....	540	23,522,400
December.....	0	0
Total for the year..	60,000 acre-feet.	2,613,600,000 cubic feet.

4231 In case, however, of extraordinary drought or serious accident to the irrigation system in the United States, the amount delivered to the Mexican canal shall be diminished in the same proportion as the water delivered to lands under said irrigation system in the United States.

## ARTICLE III.

The said delivery shall be made without cost to Mexico, and the United States agrees to pay the whole cost of storing the said quantity of water to be delivered to Mexico, of conveying the same to the international line, of measuring the said water, and of delivering it in the river bed above the head of the Mexican canal. It is understood that the United States assumes no obligation beyond the delivering of the water in the bed of the river above the head of the Mexican canal.

## ARTICLE IV.

The delivery of water as herein provided is not to be construed as a recognition by the United States of any claim on the part of Mexico to the said waters; and it is agreed that in consideration of such delivery of water Mexico waives any and all claims to the waters of the Rio Grande for any purpose whatever between the head of the present Mexican canal and Fort Quitman, Texas, and also declares

## ARTÍCULO II.

Los Estados Unidos asegurarán la entrega de dicha cantidad de agua y la distribuirán durante el año en las mismas proporciones que la cantidad de agua que se proyecta proporcionar del expresado sistema de irrigación á los terrenos de los Estados Unidos en las cercanías de El Paso, Texas, de conformidad, y tan aproximadamente como sea posible, con la siguiente lista:

	Acres pies por mes.	Pies cúbicos de agua corres- pondientes.
Enero.....	0	0
Febrero.....	1,090	47,480,400
Marzo.....	5,460	237,837,600
Abril.....	12,000	522,720,000
Mayo.....	12,000	522,720,000
Junio.....	12,000	522,720,000
Julio.....	8,180	356,320,800
Agosto.....	4,370	190,357,200
Setiembre.....	3,270	142,441,200
Octubre.....	1,090	47,480,400
Noviembre.....	540	23,522,400
Diciembre.....	0	0
Total en el año..	60,000 acres pies.	2,613,600,000 pies cúbicos.

En caso, sin embargo, de extraordinaria sequía ó de serio accidente en el sistema de irrigación en los Estados Unidos, se disminuirá la cantidad de agua que deba entregarse al canal mexicano, en la misma proporción que la que se entregue á las tierras sujetas á dicho sistema de irrigación en los Estados Unidos.

## ARTÍCULO III.

La expresada entrega se hará sin gasto alguno para México, y los Estados Unidos convienen en pagar el total costo del depósito de la mencionada cantidad de agua que debe darse á México, de la conducción de la misma hasta la línea internacional, de la medición de dicha agua y de su entrega en el lecho del río, arriba de la boca del Canal Mexicano. Queda entendido que los Estados Unidos no asumen otra obligación que la de entregar el agua en el lecho del río, arriba de la boca del Canal Mexicano.

## ARTÍCULO IV.

La entrega del agua, como aquí se establece, no se considerará como un reconocimiento por los Estados Unidos de ningún derecho por parte de México á dichas aguas; y se conviene que, en consideración á dicho abastecimiento de agua, México retira cualquiera y todas las reclamaciones sea cual fuere su objeto, á las aguas del Río Grande entre la boca del actual Canal Mexicano y Fort Quitman, Texas, y de-

fully settled and disposed of, and hereby waives, all claims heretofore asserted or existing, or that may hereafter arise, or be asserted, against the United States on account of any damages alleged to have been sustained by the owners of land in Mexico by reason of the diversion by citizens of the United States of waters of the Rio Grande.

#### ARTICLE V.

The United States, in entering into this treaty, does not thereby concede, expressly or by implication, any legal basis for any claims heretofore asserted or which may be hereafter asserted by reason of any losses incurred by the owners of land in Mexico due or alleged to be due to the diversion of the waters of the Rio Grande within the United States; nor does the United States in any way concede the establishment of any general principle or precedent by the concluding of this treaty. The understanding of both parties is that the arrangement contemplated by this treaty extends only to the portion of the Rio Grande which forms the international boundary from the head of the Mexican canal down to Fort Quitman, Texas, and in no other case.

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#### ARTICLE VI.

The present convention shall be ratified by both contracting parties in accordance with their constitutional procedure, and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof the respective plenipotentiaries have signed the convention both in the English and Spanish languages and have thereunto affixed their seals.

Done in duplicate at the city of Washington this 21st day of May, one thousand nine hundred and six.

ELIHU ROOT.

JOAQUÍN D. CASASÚS.

[SEAL.]  
[SEAL.]

And whereas the said convention has been duly ratified on both parts, and the ratification of the two governments were exchanged in the City of Washington, on the sixteenth day of January, one thousand nine hundred and seven;

Now, therefore, be it known that I, THEODORE ROOSEVELT, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the City of Washington, this sixteenth day of January, in the year of our Lord one thousand nine hundred and seven, and of the Independence of [SEAL.] the United States of America the one hundred and thirty-first.

THEODORE ROOSEVELT.

By the President:

ELIHU ROOT,  
Secretary of State.

clara también completamente arregladas y extinguidas todas las reclamaciones hasta hoy presentadas, existentes ó que puedan después suscitarse ó presentarse contra los Estados Unidos á causa de cualesquiera daños que los propietarios de tierras en México aleguen haber sufrido con motivo de las desviación de aguas del Río Grande efectuada por ciudadanos de los Estados Unidos.

#### ARTÍCULO V.

Los Estados Unidos, al celebrar este tratado, no otorgan con él, explícita ni implícitamente, ningún fundamento legal para reclamaciones que en lo futuro se aleguen, ó puedan alegarse, procedentes de cualesquiera pérdidas sufridas por los propietarios de tierras en México, ora se deba ó se alegue deberse, á la desviación de las aguas del Río Grande dentro de los Estados Unidos; ni convienen los Estados Unidos de ninguna manera en el establecimiento de ningún principio general ó precedente á causa de la celebración de este tratado. Quedan entendidas las dos Altas Partes Contratantes que el arreglo que se proyecta con este tratado sólo se extiende á la porción del Río Grande que forma el límite internacional, desde la boca del Canal Mexicano hasta Fort Quitman, Texas, y á ningún otro caso.

#### ARTÍCULO VI.

La presente Convención será ratificada por Ambas Partes Contratantes de acuerdo con las formalidades constitucionales de cada una de ellas, y se canjearán las ratificaciones en Washington tan luego como fuere posible.

En fe de lo cual, los respectivos Plenipotenciarios han firmado la presente Convención, tanto en inglés como en castellano, y han puesto en ella sus sellos.

Hecho en dos originales en la Ciudad de Washington, el 21 de Mayo, de mil novecientos seis.



4695

DEPARTMENT OF THE INTERIOR,  
Washington, May 17, 1910.

HON. KNUTE NELSON,  
*Chairman Joint Committee of Congress,  
United States Senate.*

SIR: On the 13th instant, while on the stand as a witness before your committee, the Hon. Elihu Root requested me to furnish the chairman of the committee information in respect to the Engle dam as follows:

1. Whether the use of the reclamation fund for other purposes had in any way prevented work upon said dam.

2. Whether work upon said dam had been prevented because of the demoralization of the Reclamation Service caused by the controversy between the head of the Interior Department and said service. (Printed record, 1428-1429.)

In answer to the inquiries of Senator Root I promised to give a detailed statement with respect to what had been done toward the erection of the Engle dam since the promulgation of the treaty between the United States and Mexico, January 16, 1907. (Printed record, 1429.)

On the 14th instant I addressed a letter to the Director of the Reclamation Service, asking him to make a report in respect to the matters inquired of by Senator Root. May 17 the Director of the Reclamation Service made reply, a copy of which is hereto attached.

It would seem from this report (1) that the use of reclamation fund for other purposes has not in any way interfered with the carrying out of the terms of the aforesaid treaty; (2) that any controversy now existing between the head of the Interior Department and the Reclamation Service has in no manner interfered with the progress of the work upon the Engle dam.

Very respectfully.

R. A. BALLINGER, *Secretary.*

4696

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
OFFICE OF THE DIRECTOR,  
Washington, D. C., May 17, 1910.

The honorable the SECRETARY OF THE INTERIOR.

SIR: By letter of May 14 the department asked for certain information regarding the Rio Grande project, requested on May 13, 1910, by the committee appointed to investigate the Interior Department and the Forest Service.

The specific questions will be dealt with in order.

1. Whether the use of the reclamation fund for other purposes had in any way interfered with the work in respect to the construction of the Engle Dam, Rio Grande project.

This can be answered in the negative and, for the purpose of showing how the reclamation fund was used in the construction of the Engle Dam, the following chronological recital is submitted:

In the annual report for the fiscal year ending June 30, 1904, submitted to Congress December, 1904, is published a full statement of the proposed plans for the Rio Grande project, including a discussion of the Engle reservoir, Engle Dam, and Leasburg diversion (Third Annual Report of the Reclamation Service, pp. 396-426).

To the end of that fiscal year there had been expended from the reclamation fund for the Rio Grande project \$37,000 for surveys and preliminary examinations.

In the following fiscal year, ending June 30, 1905, surveys were made for the Leasburg diversion, and the water users in the entire project were organized. (Fourth Annual Report Reclamation Service, pp. 279-280.) During that year there was expended for the project from the reclamation fund \$5,843.44. The act of February 25, 1905 (34 Stat., 814), authorized such operations in Texas as might be required in connection with this project.

In the fiscal year ending June 30, 1906, further surveys were made and plans prepared for the main diversion dam at Leasburg. The project was formally adopted by the Secretary of the Interior on December 2, 1905, and an allotment of \$200,000 was made therefor from the reclamation fund. During that fiscal year preliminary work on the Leasburg diversion dam was performed, and the expenditures amounted to \$12,394.19. (Fifth Annual Report, pp. 200-224.)

In the fiscal year ending June 30, 1907, the treaty with Mexico was proclaimed January 16, 1907, and the appropriation of \$1,000,000 was made March 4, 1907, not becoming available, however, until after the end of that fiscal year. During this fiscal year and pending the special appropriation a small amount of work was done in

connection with the Eagle reservoir site in the examination of land office and court records, with a view to the acquisition of title to lands in the reservoir site. Active work, however, was prosecuted on the Leasburg diversion dam and canal, and the total expenditures on the entire project were \$83,250.06, all charged against the reclamation fund.

It will be noted that up to this time there had been expended on the project \$138,487.69, drawn entirely from the reclamation fund. Of this amount, \$48,730.40 had been expended upon the Engle reservoir.

The Leasburg diversion dam and canal is an important portion of the entire project, because this diversion dam and canal form a part of the plan for handling from the Engle reservoir to the head of the Mexican canal near El Paso the stored water to be delivered to Mexico under the treaty.

During the fiscal year ending June 30, 1908, active operations were in progress to complete the topographic and land-ownership survey of the Engle reservoir site. Surveys and negotiations were also made for a branch railroad from a point near Engle to the dam site and also for wagon roads and trails and contract finally formulated to provide for construction. The walls of the dam site were thoroughly prospected, and plans for various preliminary operations were prepared. The Leasburg diversion dam and canal were completed and placed in operation for the irrigation of about 15,000 acres. During this fiscal year there was expended on the project \$128,356.79, of which \$27,380.02 were expended on the Engle dam and reservoir, about \$4,000 being expended from the reclamation fund and \$23,313.13 from the Rio Grande dam appropriation. (Seventh Annual Report Reclamation Service, pp. 149-152.)

In the fiscal year ending June 30, 1909, the topographic survey of the storage-reservoir site was completed, a large amount of development work was done in the vicinity of the dam site, a water-supply system provided, and a reinforced concrete water tank was erected, the railroad line was finally located, partly graded, and active work was in progress for the preliminary operations at the dam site, when the work was stopped in May, 1909, by orders of the company owning the land, after it became evident that a satisfactory agreement for purchase could not be reached. Thereupon steps were promptly taken to acquire the land by condemnation proceedings.

The Leasburg dam and canal were operated during the year for the irrigation of the lands under it. The total expenditures for the year upon the project were \$114,502.95, of which \$103,441.66 were expended upon the Engle dam and reservoir. (Eighth Annual Report, 140-145.)

The special fund for the Rio Grande dam became available July 1, 1907; thereupon, as shown above, the surveys and investigations previously begun were actively continued and negotiations were undertaken to acquire the lands needed for the reservoir site, somewhat more than 40,000 acres. Of this, more than 30,000 acres belong to the Victorio Land and Cattle Company. The negotiations were carried on until May, 1909, when it seemed impracticable to reach a decision, and the company demanded that all work upon its property cease at once. During this period of one year and ten months much preliminary work has been done, including all that was practicable prior to securing the ownership of the land.

When the work was stopped, steps were at once taken for acquiring the land by condemnation proceedings, and in April, 1910, award of somewhat more than 4697 \$200,000 was reported to the court. The matter of accepting the same and making payment is now pending before the department.

Aside from the large tract of land owned by the corporation referred to, there are a large number of small holdings, about 200 in number. Negotiations have been constantly in progress, and a number of the tracts have been contracted for or acquired. The surveys of these lands to ascertain the boundaries on the ground, and negotiations with the owners, practically all of whom are Mexicans, has been very difficult, but has been vigorously carried forward.

The special appropriation for the dam site has up to this date been available for active construction and field operations on the dam only during the time that the owner of the dam site did not object to work, a period of less than two years, and up to the date of our latest balance sheet, March 31, 1910, \$443,668.11 has been expended for the Rio Grande project as a whole, \$258,409.56 having been expended from the reclamation fund. On the Engle dam and reservoir a total of \$252,535.12 has been expended, of which \$67,276.57 have been spent from the reclamation fund, and \$185,258.55 from the special appropriation for the Engle dam.

Therefore, in reply to the first question, it appears that, considering the demands of other projects required by law in each State and Territory, the use of the reclamation fund for other purposes has not interfered with the work for the construction of the Engle dam.

2. Answering the second question, this résumé also shows that the work in connection with said dam has been proceeded with in good faith on the part of the United States since the promulgation of the treaty with Mexico.

3. In answer to the third question, calling for a detailed statement showing how soon after the promulgation of the treaty work began in connection with the Engle dam and the nature and character of the work which has been done since said treaty was promulgated, together with the amount which has so far been expended, reference is made to the foregoing chronological statement, and also to the following:

The treaty was promulgated January 16, 1907; therefore, as shown, work on the Engle dam and reservoir had begun nearly three years before. Prior to January 16, 1907, extensive investigations and surveys had been performed in connection with the project, and the expenditures to December 30, 1906, from the reclamation fund amounted to \$48,404.15. Since that time, as shown above, preliminary investigations and surveys have been completed, active work has been carried on in acquiring the necessary lands, plans for the layout at the dam site have been completed, construction work has begun thereon, and also upon the railroad grade, which is the necessary part of the preliminary work. The amount of money expended on the Engle dam and reservoir to March 31, 1910, the latest date to which complete statements have been received in this office, is \$252,535.12.

Very respectfully,

F. H. NEWELL, *Director.*

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**Correspondence and documents relating to relations of A. P. Davis, chief engineer Reclamation Service, with J. G. White & Co.**

4160

[Telegram.]

DEPARTMENT OF THE INTERIOR, *May 6, 1910.*

To A. P. DAVIS,

*Chief Engineer Reclamation Service, Orland, Cal.:*

I am reliably advised that during your absence from Washington on trip to the West between dates of January 13 and 31, 1910, inclusive, you received per diem pay from J. G. White or J. G. White & Co. in addition to your salary. Explanation giving full particulars by wire is demanded.

R. A. BALLINGER, *Secretary.*

[Telegram.]

SAN FRANCISCO, CAL., *May 6, 1910.*

Secretary BALLINGER,

*Washington, D. C.:*

On January 11, 1910, I requested and received permission from you to take leave of absence for the purpose of examining an irrigation project in Mexico for J. G. White & Co. All except name of corporation was explained to you. I received pay while on formal leave, as provided by law.

DAVIS, *Chief Engineer.*

4161

[Telegram.]

DEPARTMENT OF THE INTERIOR,  
*Washington, D. C., May 9, 1910.*

To A. P. DAVIS,

*Chief Engineer, Reclamation Service, Benson, Ariz.:*

Your wire of May 6 containing statement that I gave you permission to take leave for purpose of examining irrigation project in Mexico unfounded. You were never authorized by me or to my knowledge to engage in private employment or draw com-

pensation from private parties while under pay from the Government. You do not answer my telegram as to pay from J. G. White & Co. Immediate response by wire is demanded.

Secretary.

ESPERANZA, ZEN., MEXICO, May 11, 1910.

Secretary BALLINGER, Washington:

Your wire just received. I did receive pay from J. G. White & Co. while on annual leave in January, nineteen ten, understanding I had your approval.

DAVIS.

4697

DEPARTMENT OF THE INTERIOR,  
Washington, May 19, 1910.

HON. KNUTE NELSON,  
Chairman Joint Committee of Congress,  
United States Senate.

SIR: Pursuant to suggestion made by your committee, I transmit herewith copies of letters from J. G. White & Co., pertaining to public-land matters in which said company is interested; also a memorandum giving the history of the contract entered into by said company for the construction of the Laguna dam and sluiceways, Yuma reclamation project, Yuma, Ariz. I believe it was suggested that a conference be had by the respective attorneys and some member of your committee as to what part of this correspondence is desired to be printed in the record.

I also transmit, pursuant to suggestion of the committee, copies of correspondence relative to proposed lease of public mineral lands within reservoir sites and copies of decisions of this office refusing to permit such leasing.

Very respectfully,

R. A. BALLINGER,  
Secretary.

4698

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
OFFICE OF THE DIRECTOR,  
Washington, D. C., June 18, 1909.

The honorable the SECRETARY OF THE INTERIOR.

SIR: By reference from the department, this office is in receipt of a letter from Mr. George I. Baker, under date of June 16, referred for report and return.

Mr. Baker submits a permit for your signature which will authorize him to occupy and pursue placer mining operations upon certain described tracts within the Taylor Park reservoir site, withdrawn under the first form authorized by the reclamation act as a reservoir to be used in connection with the Uncompahgre project, Colorado.

It would be in line with the long-standing policy of the Government, as expressed in the mineral laws, to make these lands available for mineral exploration so far as may be compatible with the interests of the project.

The precise time when the storage of water in this reservoir will be needed for the project can not now be stated. It is probable, however, that the interests of the project would not be adversely affected in case of an arrangement which would permit the use of portions of the reservoir for mining purposes for a period of six years, under proper restrictions.

The privilege desired is a valuable one and in the opinion of this office should not be given to anyone without obtaining a proper return to the Government. This could be best accomplished by allowing all persons who may desire to utilize these lands equal opportunity to bid for the privilege of temporary occupancy.

The fact that Mr. Baker and his associates have inadvertently performed some work upon the public lands so withdrawn does not afford any basis for a preference right to them and does not constitute a sufficient reason for giving them a permit to utilize these lands without making compensation.

The fact that they have had an opportunity to make careful explorations of the site would be a considerable advantage to them in bidding for the privilege in question.

The interests of the project might be jeopardized if the lower part of the reservoir were to be occupied for more than six years, unless at that time some storage would be

available. It is therefore essential to provide for the construction of the dam to be completed at least by that date.

This office recommends that the situation be met by the adoption of a plan somewhat as follows:

Issue specifications for the construction of the dam at the reservoir site in accordance with the plans found necessary for the needs of the project, the specifications being so drawn as to permit the contractor to utilize the site for a period of six years from a specified date in 1910 in any way that he may see fit, which would not injure it for future use as a reservoir site. That the contractor would be permitted to develop such power from the dam as might be necessary for the purposes of mining and to extract minerals from the gravels in the reservoir site.

The contractor should also agree to transfer to the United States any lands which he may own within the limits of the reservoir site or to which he may acquire title.

The lands at the upper end of the reservoir might be left open for the use of the contractor for a period greater than six years if satisfactory arrangement be made by the contractor to secure for the use of the project the storage needed, according to certain amounts specified in the contract. The right of the contractor to occupy the reservoir site should cease in any event after a period of eleven years, which is as long a time as appears to be necessary for the purpose. Bids are to be called for upon these specifications, the best terms offered to be accepted as a basis of contract for the construction.

If such a plan meets the approval of the department, instructions can be given for preparing the necessary specifications in the field so that bids may be advertised for during the present summer and afford intending bidders an opportunity to inspect the lands before the winter season closes in. It would then be practicable for the bids to be opened and the contract awarded in time for work to begin as soon as the season opens in 1910.

In the opinion of this office, the plan proposed will provide for the utilization of these lands for mineral purposes without in any way interfering with the interests of the project and at the same time secure for the project some reasonable return for the privileges which the contractor will obtain.

In the opinion of this office, the granting of permission without competition and without compensation would not be just to the project nor to other persons who might desire to utilize these lands for mining purposes.

Very respectfully,

F. H. NEWELL,  
*Director.*

P. S.—Mr. Baker's letter is herewith inclosed.

4699

DEPARTMENT OF THE INTERIOR,  
*Washington, June 21, 1909.*

MR. GEORGE I. BAKER,  
*4725 Cedar Avenue, Philadelphia, Pa.*

SIR: I am in receipt of your communication of June 16, and accompanying papers, requesting that you be given permission to conduct mining operations upon certain lands in Taylor Park, Gunnison County, Colo., heretofore withdrawn for reservoir purposes under the reclamation act of June 17, 1902.

After considering the matter I am forced to the conclusion that the Secretary of the Interior has no authority to grant the permission requested. While these lands have been withdrawn from disposal, yet this department did not, by such withdrawal, acquire any right or power to dispose of the mineral deposits therein. However desirable it may be to exploit the mineral resources of these tracts, this department has no power to dispose of such minerals except under specific authority from Congress.

Very respectfully,

R. A. BALLINGER, *Secretary.*

DEPARTMENT OF THE INTERIOR,  
*Washington, June 21, 1909.*

THE DIRECTOR OF THE RECLAMATION SERVICE.

SIR: In your communication of June 18, reporting on the application of George I. Baker for permission to occupy and pursue placer mining operations upon certain lands within the Taylor Park reservoir site, withdrawn under the first form to be used in connection with the Uncompahgre project, Colorado, you suggest a plan by which this ground may be utilized for mining purposes. This plan, substantially, is that

advertisement be made calling for bids to construct a dam at this site, in accordance with plans found necessary for the project, the specification to be so drawn as to permit the contractor to utilize the site for a period of at least six years, and not to exceed eleven years, in any way that he may see fit which would not injure it for future use as a reservoir site.

Presumably, such a plan would decrease the cost of the project and at the same time permit the exploitation of the ground for mineral purposes. However desirable this might be, I am convinced, after careful consideration, that there is no authority for its adoption. The withdrawal of these lands for the specific purpose of constructing irrigation works would not give this department power to dispose of the mineral which may be deposited there. The law specifically provides the manner in which the right to enter upon lands belonging to the United States for the purpose of extracting minerals which may be found there may be acquired, and the Secretary of the Interior has no power to make other provision respecting the matter, or to confer such a privilege upon one individual or association as against the general public.

I am not prepared to approve the plan suggested by you and therefore can not grant the authority to proceed in accordance therewith. The papers are returned for the files of your office.

Very respectfully,

R. A. BALLINGER, *Secretary.*

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DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
OFFICE OF THE DIRECTOR,  
Washington, D. C., July 23, 1909.

The honorable the SECRETARY OF THE INTERIOR.

SIR: Under date of November 10, 1908, application was made to the Commissioner of the General Land Office by the Cutter Copper Company, of Kansas City, Mo., for permission to mine coal on sec. 20, T. 14 N., R. 3 W., N. M. P. M., New Mexico. This tract being covered by first form withdrawal dated March 26, 1908, under the reclamation act of June 17, 1902, in connection with the Rio Grande project, New Mexico, is not subject to entry under the mining laws of the United States (35 L. D., p. 216).

The application was referred to this office for consideration; and since the receipt thereof negotiations have been pending with the applicants looking toward the determination of a satisfactory basis of adjustment. Up to the present time it has been impossible to prepare mutually acceptable conditions for leasing the land at a stipulated rental for a limited term and securing full protection of the interests of the United States in connection with the use of said lands.

4700 It is believed that a form of lease could be agreed upon if such procedure be deemed proper in view of the decision of the department dated May 26, 1909, in the case of the proposed lease of lands in Nebraska under the North Platte project to the Chicago, Burlington and Quincy Railroad Company for taking gravel from a certain tract of land.

The decision of the department is requested whether a lease for the purposes of exploring for coal and extracting the same may be made for land withdrawn under first form under the reclamation act.

Very respectfully,

F. H. NEWELL,  
*Director.*

July —, 1909.

Referred to the Assistant Attorney-General.

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*Acting Secretary.*

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DEPARTMENT OF THE INTERIOR,  
Washington, September 24, 1909.

The DIRECTOR OF THE RECLAMATION SERVICE.

SIR: I am in receipt of your letter of July 23, 1909, reporting the submission of an application by the Cutter Copper Company for permission to mine coal on section 20, T. 14 N., R. 3 W., New Mexico, which land is included in a first form withdrawal in connection with the Rio Grande project. You ask whether the land may be leased to this company in order that it may explore for and extract coal therefrom.

In reply I have to advise you that section 3 of the reclamation act, which authorizes the withdrawal from entry of lands required for irrigation works, directs that thereafter any of the lands not needed be restored to the public domain.

The primary purpose of the withdrawal—construction of reclamation works—does not contemplate any use thereof which will depreciate the value of the land, and if the land should be leased for the extraction of coal and thereafter be found to be not needed for construction, they would necessarily be restored to the public domain in a different condition from that when withdrawn, i. e., depleted or partly depleted of the mineral deposits. Further, the only method of disposing of the minerals in the public domain is that contained in sections 2318 to 2352, Revised Statutes, and minerals are expressly reserved from other forms of disposition.

I have, therefore, to advise you that there is no authority for leasing the coal deposits within the tract in question.

Very respectfully,

FRANK PIERCE, *Acting Secretary.*

#### MEMORANDUM.

July 6, 1905, contract was entered into with J. G. White & Co. for constructing and completing the Laguna dam and sluiceways, Yuma project, Arizona. Bond in the sum of \$160,000 was also furnished, with the American Surety Company, of New York, as surety for the faithful performance of the work.

April 11, 1906, contract was entered into with White & Co. for constructing and completing the sluiceways and regulator gates for the Arizona side of Laguna dam, Yuma project, Arizona.

July 6 and 7, 1906, the company addressed letters to the Secretary of the Interior transmitting copies of correspondence between the superintendent for the construction company and the Reclamation Service engineer, indicating that a difference of opinion existed in regard to the interpretation of the specifications relative to the rock to go into the dam, and on July 13, 1906, report was made that a board of engineers would be convened to consider the matter.

August 7, 1906, J. G. White & Co. submitted claims for reimbursement for extraordinary expenses incident to the work of constructing the Laguna dam. A board of service engineers was appointed, consisting of Messrs. Grunsky, Davis, Sanders, Hill, Bien, Hamlin, and Vincent, to consider the claims of the contractors. This board held meetings at the Laguna dam August 2, 3, 7, and 13, and on the latter date reported that the character of the material available for construction was such that it was necessary to make substantial modifications in the specifications.

Accordingly, a board consisting of the above-named engineers held meetings at the Laguna dam on August 2 and 3 and then adjourned to August 7 in order that its members might investigate the conditions on the Lower Colorado River at the point 4701 where the river had left its proper channel and to examine the new water course in the southern end of the Salton Basin where flood waters had done much channel cutting and which, in case of failure to restore the river to its proper channel, might materially affect the conditions under which the dam was to be completed.

The board reassembled at Los Angeles August 7, 1906, and held daily sessions, being in frequent conference with representatives of J. G. White & Co., and reported to the chief engineer on August 13 in detail in regard to the claims of the company, which were as follows, namely:

1. Claim No. 1 for increased cost for sorting rock, due to deviations from the specifications.
2. For deviations from the specifications in the placing of material in the dam.
3. Unfavorable character of material available for paving.
4. For delays based on claims 1 and 2 and delays due to character of material.
5. Based on the assumption that work was to be stopped.

After consideration of the evidence presented and after examination of the site of the work, the board, on August 10, concluded that a basis existed for claims 1 and 2 and for such part of claim 4 as belongs logically under them, but that no basis existed for claim No. 3, nor for so much of claim No. 4 as was based on protraction of the work due to unfavorable character of material. The board refused to consider any proposition involving the closing down of the work, and therefore gave no consideration to claim No. 5.

The board found that the character of the material available for construction was such as to necessitate material changes in the specifications, as authorized by paragraph 24 of the contract, namely, "should any change be made in a particular piece of work so that the contractor is put to any extra expense, the engineer shall make reasonable allowance therefor, which action shall be binding upon both parties." The changes found necessary consisted principally in the substitution of a layer of concrete instead of rock pavement and the omission of the requirement that in the

rock fill in the body of the dam a large proportion of the material must be large rock of a prescribed weight. These changes were necessary because the character of the material encountered in the vicinity of the dam rendered it impossible to secure the requisite quantity of large rock specified in the contract without enormous expense to the Government, either in opening new quarries or in shipping large rock from distant points.

The contractors held that the unfavorable character of the material and the threatening condition of the Colorado River below Yuma were of so grave a nature as to relieve them of all obligations to complete the work, or in case the work was to be continued to relieve them of all responsibility for the work, and they made strenuous efforts to be relieved of all obligations under the contract. The board, however, declined to consider any proposition involving this principle.

On August 14, 1906, the board of engineers reported that, on the basis of the modified contract and specifications, the additional cost of the work would be about \$468,000. The board found that these modified specifications provided for a more secure structure than was possible under the original specifications with the material available and that the additional cost was absolutely essential to provide for a structure which will utilize the material available for the construction of a dam which will meet the necessary requirements.

After repeated conferences an agreement was reached, and in pursuance thereof a supplemental contract was entered into on August 28, 1906, providing substantially as follows: 1. The company to waive all claims for extra compensation on account of the work already performed, except such as had been theretofore allowed in monthly estimates approved by the engineer, the price for placing rock in the dam to be 65 cents per cubic yard instead of 35 cents per cubic yard, as provided in the original contract, paragraph 28 of the original specifications to be modified by adding thereto the following: "Provided that the contractor is hereby relieved from any further responsibility for either the destruction or injury of any portion of the finished work due to the design of the same, and also from any responsibility for failure of any part of the work or failure to complete the same by reason of any abnormal back-cutting of the Colorado River."

The changes found necessary consisted in the main of the substitution of a layer of concrete for the rock pavement and the omission of the requirement that in the rock fill in the body of the dam a large proportion of the material must be rock of a prescribed weight.

December 20, 1906, a letter was received from J. G. White & Co. discussing the work in connection with the existing break in the Colorado River whereby the stream had left its proper bed and was flowing into the Salton Sea instead of into the Gulf of

California, and presenting two problems for consideration, namely, (1) the 4702 construction by the United States of large sluice gates and a canal by which the river could be temporarily diverted into the Salton Sea, permitting the repairs to be made to the old river bed in a substantial and permanent manner; (2) whether after repeated attempts to restore the river it would not be to the interests of the United States to suspend further work on the Laguna dam until it had been demonstrated that the river would be restored by the railway company and its associated interests.

Reply was made on December 24 that a telegram had been received by the President from Mr. E. H. Harriman stating that the Southern Pacific Company would at once repair the break in the west bank of the river and that thereafter the matter of future maintenance would be considered.

January 2, 1907, J. G. White & Co. addressed a letter to the Secretary of the Interior referring to the attempts made by the Southern Pacific Company to restore the river to its proper channel and stating that indications were that it was no longer conservative to base expenditures of large sums of money on that assumption; unless the proposed restoration were made the Laguna dam would be undermined by back-cutting of the cataract, which had been working upstream from the Imperial Valley, the progress of which during 1906 averaged one-third of a mile a day. The company also stated that it was practically impossible to secure an adequate supply of fuel for continuing the work; that stone of the quality on which the specifications were drawn was not available, and that it was impossible to find stone which permitted the work to be done in full compliance with the specifications. As a result work had to be carried forward in a tedious and burdensome manner in accordance with modified instructions from time to time by the engineers of the Reclamation Service, part of which were embodied in the supplemental contract of August 28, 1906.

In view of failure of the Southern Pacific Company to restore the river or even to make substantial progress toward such restoration, the company requested immediate consideration of the advisability of stopping the work on the dam and canceling the



contracts for construction of the dam and sluice gates, in accordance with the following summary, viz:

- (a) Canceling the contracts for dam and gates.
- (b) Payment to the company of the retained percentage on work done.
- (c) The taking over of the plant on site of the work, and paying for same either at appraised value to be fixed by engineers agreed upon to make such appraisal, or at original cost less reasonable deduction for depreciation.
- (d) Payment of appraised value for stores and materials on hand and for iron castings then going forward under sluice gate contract, and other materials for the same at contract prices or at actual cost to the contractor.
- (e) That such work as might be considered advisable by the engineers of the Reclamation Service to leave the work in satisfactory condition for the resumption of construction, should it later seem advisable, should be carried out either by government forces or by the contractor, on terms to be agreed upon, at not less than the total actual cost of doing such work.

This communication concluded by stating that affirmative action in this matter would result in saving for the Government an amount of more than \$1,000,000, required to complete the dam in case the restoration of the work should not be permanently effected; would make the plant and organization immediately available for emergency work and would permit construction of the dam to be resumed either in accordance with present plans or such new plans as might seem advisable if and when restoration of the river had been accomplished.

This letter was referred to the Reclamation Service and report made to the department on January 4, 1907, that the company had probably lost about one-half million dollars in the prosecution of its work on the Laguna Dam under its contracts with the United States, a considerable part of which was due to causes entirely beyond the control of the contractor, and that the company would continue to lose money if it should carry the contracts to completion; that several conferences had been had with the representatives of the contractor, from which it appeared that the company was engaged upon a number of contracts with the United States, notably several public works in the Philippines, the conduct of which, as stated by Secretary Taft, had been in general satisfactory to the Government.

In conference with the Secretary of the Interior and the contractor on January 4, 1907, the President stated that he desired the matter determined upon the general principle that the Government is not to take such action as to break good contractors or to make the Government prey to bad contractors. The report further stated that the interests of the Government required that White & Company should not be forced to continue the Laguna Dam contracts at great loss, involving possibly the failure of its other contracts with the United States, and that it was the opinion of this office that the contracts should be canceled on the ground that it was for the interest of

the United States to do so, the conditions of cancellation to be as follows, viz:

- 4703 1. That payment be made of the amounts earned under the contracts, including the retained percentages.
2. That the Government take over the plant of the contractor on the site of the dam, or so much of it as might be desired by the Government, paying for the same at an appraised value to be fixed by the government engineers and engineers of the contractor, subject to the approval of the department.
3. That the Government take over the stores and materials on hand at the dam site, or so much thereof as might be desired by the Government, and also the iron castings at that time going forward for the sluice-gate contract and other materials for the same, if deemed advisable by the government engineers, at prices to be fixed by them in conference with the engineers of the contractor, subject to the approval of the department.

The report concluded with the recommendation that White & Company be advised that the contracts in question would be canceled upon the completion of the adjustments outlined.

On January 5, 1907, the Secretary of the Interior addressed a letter to White & Company, transmitting a copy of the above report by the director, and requesting representatives of the company to confer with officers of the Reclamation Service to the end that an agreement might be perfected and submitted to the department as basis for cancellation of the contracts, and for such other related action as might be proper.

The question of the right of the United States to enter into an agreement to cancel this contract was submitted to the comptroller, and he rendered an opinion with respect thereto on January 12, 1907, containing the following statement, viz:

"If \* \* \* it would be to the public interest to suspend operations, you would have the right to do so, either with or without the consent of the contractors, and

settle with them by agreement for compensation for part performance. An agreement so made, if fair and reasonable and made with full knowledge of the facts, would be binding upon the United States, and amount provided to be paid therein would become a claim against the United States."

On January 18, 1907, the Secretary of the Interior authorized the director in the public interest to draw a contract with White & Company for the cancellation of the contracts in question, on the condition set forth in the director's letter of recommendation. This was accordingly done, and contract entered into on January 21, 1907, providing for cancellation of the agreements.

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DEPARTMENT OF THE INTERIOR,  
*Washington, May 2, 1910.*

Messrs. J. G. WHITE & Co.,  
43-49 Exchange Place, New York City.

GENTLEMEN: I am this day in receipt of your letter of the 29th inst., signed by Mr. Donham, in which you make inquiry as to whether the department has as yet received the maps and related papers forwarded by the Farmers Mutual Canal Company from the Scottsbluff, Nebr., office to the register and receiver of the land office at Alliance, Nebr., on April 10, 1910, the same being an application for canal right of way.

In reply, you are advised that the only application filed this year by the above company, as shown by the records of the General Land Office, is one received in that office on January 10, 1910, with supplemental papers received on January 16, 1910. As it is inferred from the tenor of your letter that the application now on file in the Land Office is the only one made for right of way purposes since the original application approved by the department on November 29, 1892, the date of forwarding referred to in your letter, namely, April 10, 1910, is doubtless a clerical error, the maps having been forwarded to the department by the Alliance land office under date of January 7, 1910.

I am informed by the Commissioner of the General Land Office that the application in question is now in the course of preliminary examination, but that on account of the great number of similar applications requiring prior consideration, it will not be reached for final determination until some six or eight weeks hence.

Very respectfully,

R. A. BALLINGER, *Secretary.*

4704

J. G. WHITE & COMPANY,  
43-49 EXCHANGE PLACE,  
New York, N. Y., April 29, 1910.

Hon. R. A. BALLINGER, *Secretary,*  
*Department of the Interior, Washington, D. C.*

[Appropriation of waters of Little Wood River.]

SIR: We thank you for your favor of the 27th instant regarding the above subject, and for your suggestion that we communicate directly with the state engineer in Idaho about the matter.

Very respectfully,

J. G. WHITE & COMPANY, INC.,  
By GEO. W. ZIMMELL.

4704

DEPARTMENT OF THE INTERIOR,  
*Washington, April 27, 1910.*

Messrs. J. G. WHITE & Co.,  
43-49 Exchange Place, New York City.

SIRS: Replying to your letter of April 22, 1910, I have to advise you that the records and files of the department have been examined and it does not appear that any new application has been filed under the Carey Act contemplating the appropriation of any of the waters of Little Wood River, in Idaho. I would suggest that you communicate with the state engineer of Idaho or the register of the state board of land commissioners at Boise, who might be able to give you some definite information in the matter.

Very respectfully,

R. A. BALLINGER,  
*Secretary.*

4704

DEPARTMENT OF THE INTERIOR,  
Washington, April 12, 1910.

The honorable the SECRETARY OF THE INTERIOR.

SIR: Herewith is form of agreement in duplicate proposed to be entered into between the United States and the Farmers' Mutual Canal Company, a corporation engaged in the irrigation of lands adjacent to the lands of the Government's North Platte project and within the State of Nebraska. The Farmers' Mutual Canal Company was for some time prior to the advent of the United States into the North Platte territory engaged in irrigating certain lands on the north side of the Platte River.

Under the law of Nebraska, in an appropriation of water for irrigation the application to appropriate the waters of any stream must contain a description of the lands proposed to be irrigated and upon which the appropriator proposes to use the water. The contract is so drafted as to be a waiver by the company of its right to irrigate the lands described, and proper application can be made to the irrigation board for an amendment of the Government's application to appropriate so that this land will be included when the final proof of appropriation is made in accordance with the state law.

The main canal of the United States for the North Platte project lies north of the Farmers' Canal and considerably higher. In secs. 29, 30, 31, and 32, T. 23 N., R. 55 W., and sec. 5, T. 22 N., R. 55 W. of the 6th P. M. are about 915 acres of land covered by the appropriation by the Farmers' Canal Company, but too high to be irrigated under its canal, but practicable to be irrigated from the Government's canal. To convey the water to the proposed lands it is necessary to cross the main canal of the Farmers' Company at a convenient point in the NW.  $\frac{1}{4}$  of NW.  $\frac{1}{4}$  of sec. 31, T. 23 N., R. 55 W., 6th P. M., with a flume, and the attached contract is intended to cover such right of way as is required, and also to authorize the United States to irrigate the lands described, notwithstanding the water-right permit of the Farmers' Canal Company.

The matter is submitted for the consideration of the department and, if satisfactory, it is requested that authorization be granted for the execution of the agreement.

Very respectfully,

F. H. NEWELL, *Director*.

APRIL 13, 1910.

Approved and authority granted as requested.

R. A. BALLINGER, *Secretary*.

4705

J. G. WHITE & COMPANY,  
43-49 Exchange Place,  
New York, N. Y., April 29, 1910.

Hon. R. A. BALLINGER,  
*Secretary of the Interior, Washington, D. C.*

Reapplication of Farmers' Mutual Canal Company for amendment to map of definite location over government land.]

SIR: In order to explain why we are taking up this matter with you, we will say that we are in charge of the management of Farmers' Mutual Canal Company at the present time.

On April 10, 1910, we forwarded from our Scottsbluff office to the registrar of the United States land office at Alliance, Nebr., maps of amended location showing the line of the Farmers' Mutual Canal as now constructed and completed, together with field notes of the canal showing its location over government land. The map was an amendment to the former map of location, filed by the Farmers' Mutual Canal Company and approved by the Secretary of the Interior November 29, 1892. The Farmers' Mutual Canal Company are successors to Farmers' Canal Company, and own all of the water rights formerly granted to the latter.

In constructing the canal it became necessary to deviate slightly at some points along the line from the route shown by the former map of the Farmers' Canal Company originally approved by the Secretary of the Interior.

We requested the land office at Alliance to forward the maps, the field notes, and our application to you for your approval. We also enclosed with the application a relinquishment to the Government of the United States of such portions of the public land shown on the original map of definite location as have not been used in constructing the canal. We also enclosed copy of master's deed conveying the Farmers' Canal

and all appurtenances pertaining thereto to Roberts Walker, executed under a decree of foreclosure in the circuit court of the United States for the State of Nebraska; also deeds from Roberts Walker to the Tri-State Land Company, and from Tri-State Land Company to Farmers' Mutual Canal Company. We also attached copies of articles of incorporation of Farmers' Mutual Canal Company, together with a copy of the irrigation laws of Nebraska, published by the state board of irrigation. The maps were forwarded to the Land Office a few days before the application was sent in.

We have not as yet received any reply from the Land Office or from your office in regard to this application for right of way. Possibly it is too early for us to have expected a reply. We are anxious, however, to have this matter settled up, and hope you will take it up as soon as possible. We have heard that the local land office is sometimes somewhat negligent, and we, at any rate, would like to be informed if the maps and application have been forwarded to you by them.

Thanking you in advance for your early attention and reply to this letter, we beg to remain,

Yours, very truly,

J. G. WHITE & COMPANY (INC.),  
By B. C. DONHAM.

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### Miscellaneous Papers Relating to Reclamation Service.

[Extract from report of Secretary Ballinger for year ending June 30, 1909.]

1877 Some of the most important elements of conservation of natural resources of the public domain lie within the purview of this statute [reclamation law], the dormant power of stream and flood being conserved for the transformation of the desert in the vast tillable areas.

As the law fixes the responsibility for the success of these investments peculiarly upon the Secretary of the Interior, I have felt it incumbent upon me to visit during the last four months as many of the government undertakings as possible, and to determine upon the ground what, if any, changes in administration were demanded to secure the highest results, and also to learn the views and the needs of the settlers who are ultimately to pay for these works.

The Reclamation Service has been subjected to much unjust and to some just criticism. The work in the earlier stages of its existence being of a pioneer or experimental nature, room was left for the imagination of the unfair or uninformed critic. Generally speaking, the character of construction of dams, gates, drops, canals, etc., has been of a high type of modern practical utility. The precaution and pains exercised in giving extraordinary strength and durability to structures and to uniformity in canals and ditches has led some to claim that an unfair burden is thereby imposed upon the lands irrigated without a resultant benefit. Whatever merit there may be in this contention will doubtless not exist in the future work of the service.

The department has been unfortunate in the selection of some projects, considering water supply, soil, and climatic conditions, and in some instances projects having practically no public lands have been undertaken, which are within the domain of private enterprise rather than that of the Government.

I wish to assert my disapproval of irrigation projects undertaken by the Government where irrigation is to be accomplished by pumping with steam plants at high lifts, since the burden of operation and maintenance is usually too great for the average farmer. The time may come when such methods may be feasible.

[Extract from annual report of Secretary Ballinger for year ending June 30, 1909.]

3646

## DEER FLAT RESERVOIR.

✧ In the seventh annual report the lower Deer Flat embankment was reported as completed and the upper Deer Flat embankment was reported as 98 per cent completed on June 30, 1908. The upper embankment was completed on September 1, 1908, and water was run into the reservoir between the middle of February and the close of the fiscal year. The appearance of seepage water below the upper embankment has made it necessary to make some improvements at this structure. These improvements were begun on June 24, 1909, and will consist of blanketing with gravel a strip about 200 feet wide and 1,000 feet long immediately below the embankment, driving a line of sheet piling at the lower edge of this blanket, and placing a closed drain beneath the blanket above the line of piling to carry off the seepage water to an open drain. Additional protection from wave action on both of the embankments remains to be provided, and a study is at present being made to determine the kind of protection that will be most economical and efficient.

3695

DEPARTMENT OF THE INTERIOR,  
*Washington, February 18, 1910.*

SIR: In accordance with Senate resolution of February 10, 1910, I am directed by the President to transmit to the Senate the following data:

In reply to the request for a statement of the estimated amount of money required to finish each of the reclamation projects now under consideration, or approved, or contemplated, and the extensions thereof, there is sent a copy of letter of December 31, 1909, to the Senate Committee on Irrigation, marked "Exhibit A."

In response to the request for a statement of the amount of money which has already been expended upon each of the projects, there is sent a copy of portion of table prepared for said committee, marked "Exhibit B."

In accordance with the request for the nature of the work completed and to be completed upon each of the projects separately, there is sent an abstract of the Eighth Annual Report of the Reclamation Service recently sent to Congress, entitled "Statistical summary of the work of the Reclamation Service," being copy of material prepared for the Senate Committee on Irrigation, marked "Exhibit C."

An estimate of the amount of income reasonably to be expected from the sale of public lands, the income from which shall each year for ten years be applicable to the reclamation fund, is shown in Exhibit D.

The request concerning the acreage of land under each project or extension thereof that may be reclaimed is included in Exhibit C.

The estimate of the probable income to the reclamation fund from the sale of reclaimed lands and water sales under each project and extension thereof, and an estimate of number of acres that will be sold thereunder can not be literally answered, as the public lands are not sold under a reclamation project. There is no return from the sale of the lands included within a project, as these are open to entry only under the terms of the homestead act (32 Stat. L., 388).

The sales of water rights are authorized by the reclamation act, and these charges are determined with a view of returning to the reclamation fund the estimated cost. In other words, it is expected that within ten or twelve years after the investment of a given sum the greater part of this money will be returned to the Treasury. The returns each year in the future should be one-tenth or one-twelfth of the total productive investment already made, reasonable time being allowed for settlement of the country.

Very respectfully,

R. A. BALLINGER,  
*Secretary.*

The SECRETARY OF THE UNITED STATES SENATE.

DEPARTMENT OF THE INTERIOR,  
Washington, December 31, 1909.

SIR: In accordance with your request of December 9, 1909, I have to advise you that the Reclamation Service reports the following data with reference to amounts necessary to complete the approved portions of the reclamation projects now under construction, and the extensions of such projects which could, with advantage, be made were funds available for that purpose:

State.	Project.	Approved portions	Extensions. <sup>b</sup>
Arizona.....	Salt River.....	\$395,000	\$275,000
Arizona-California.....	Yuma.....	1,290,000	
California.....	Orland.....	20,000	750,000
Colorado.....	Grand Valley.....	2,637,000	
Do.....	Uncompahgre.....	2,545,000	
Idaho.....	Minidoka.....	650,000	5,500,000
Do.....	Payette-Boise.....	2,337,000	10,000,000
Montana.....	Milk River.....	1,857,000	4,000,000
Do.....	Huntley.....	80,000	
Do.....	Sun River.....	108,000	7,500,000
Montana-North Dakota.....	Lower Yellowstone.....	338,000	
Nebraska-Wyoming.....	North Platte.....	1,100,000	6,000,000
Nevada.....	Truckee-Carson.....	182,000	2,000,000
New Mexico-Texas.....	Rio Grande.....	8,790,000	
North Dakota.....	Williston-Sulford.....	93,000	261,000
Oregon.....	Umatilla.....	50,000	2,500,000
Oregon-California.....	Klamath.....	1,387,000	3,000,000
South Dakota.....	Bellefourche.....	850,000	
Utah.....	Strawberry Valley.....	1,033,000	
Washington.....	Yakima.....	1,424,000	\$14,000,000
Wyoming.....	Shoshone.....	2,922,000	
		30,138,000	55,786,000

<sup>a</sup> The figures headed "Approved portion" are the amounts which should be added to the expenditures made to 1909 plus the allotments for 1910.

<sup>b</sup> Approximate amounts.

<sup>c</sup> South side only, and not including Jackson Lake storage.

<sup>d</sup> Including Kittitas and Benton units.

The average annual receipts into the reclamation fund from 1901 to 1908, inclusive, were \$7,237,364; the estimated receipts for 1909 are \$7,771,809; the estimated receipts for 1910 are \$7,293,000.

Assuming that the receipts from the sale of public lands, and from repayment of building charges will average \$7,000,000 per year in future, an additional annual appropriation of \$7,000,000, under a bond issue or otherwise, making \$14,000,000 per annum available, would permit of the completion of the approved portion of the projects named in the foregoing table in a little over two years.

The director and chief engineer of the Reclamation Service advise me that this amount could be economically and wisely expended. They also advise me that upon continuance of the same annual addition to the fund, the extensions described could be completed in four years more.

The table headed "Approved portion," covering an estimated expenditure of \$30,138,000, represents the projects, or portions of projects, approved by my predecessors and myself. The table headed "Extensions," covering an estimated expenditure of \$55,786,000, has not been approved by me; and it is possible that, in working out the matter when the work is actually reached the amount could be decreased by the elimination of some of the proposed extensions.

As recommended in my annual report to the President, I am heartily in favor of an early completion of existing projects, and of prudent extensions, where such extensions appear necessary to reclaim arid public lands, and to utilize water supplies created in connection with approved projects. The early completion of these projects will, I hope, result not only in meeting the wishes of settlers and prospective settlers upon the lands, but secure an early return to the Treasury of the moneys expended in the construction of the reclamation works. It is evident that the sooner the projects are completed and the water available, the larger will be the returns to the fund and the greater the contribution to the nation's food supply from the products of these heretofore barren lands.

The present receipts in the fund are not sufficient to enable this department to conduct the construction of these works to the best advantage, as it is hampered by the insufficiency of moneys to carry forward the construction on many of the projects already approved. I am of the opinion that the suggestion that Congress authorize the issuance of certificates of indebtedness or bonds against the reclamation fund "to an aggregate of not exceeding \$30,000,000, or so much thereof as may be needed," would, if enacted into law, enable me to complete within a little over two years the approved portions of existing projects, and make the more necessary extensions. The other extensions could be left for future considerations.

Very respectfully,

R. A. BALLINGER, *Secretary.*

HON. THOMAS H. CARTER,  
*Chairman Committee on Irrigation and  
Reclamation of Arid Lands, United States Senate.*

### EXHIBIT B.

State.	Project.	Allotments authorized to Dec. 31, 1910.	Expenditures.
Arizona.....	Salt River.....	\$8,245,000.00	\$7,826,253.32
Arizona-California.....	Colorado River.....	45,000.00	45,054.92
Do.....	Yuma.....	3,860,000.00	3,591,710.28
California.....	Orland.....	608,000.00	253,041.21
Colorado.....	Grand Valley.....	225,000.00	66,311.29
Do.....	Uncompahgre.....	4,455,000.00	3,899,703.91
Idaho.....	Minidoka.....	3,456,000.00	2,663,581.28
Do.....	Payette-Boise.....	3,463,000.00	2,717,498.20
Do.....	SNAKE RIVER STORAGE.....	196,000.00	69,559.81
Kansas.....	Garden City.....	419,000.00	376,404.96
Montana.....	Huntley.....	955,000.00	911,776.28
Do.....	Milk River.....	593,000.00	391,625.12
Do.....	St. Mary.....	298,000.00	269,168.62
Do.....	Sun River.....	672,000.00	561,438.77
Montana-North Dakota.....	Lower Yellowstone.....	2,910,000.00	2,826,830.46
Nebraska-Wyoming.....	North Platte.....	5,085,000.00	4,391,381.52
Nevada.....	Truckee-Carson.....	4,198,000.00	4,016,686.55
New Mexico.....	Carlsbad.....	705,000.00	683,155.00
Do.....	Hondo.....	359,000.00	343,508.70
Do.....	Leasburg.....	210,000.00	188,453.65
New Mexico-Texas.....	Rio Grande.....	100,000.00	61,505.41
Do.....	Rio Grande Dam appropriation.....	1,000,000.00	176,675.12
North Dakota.....	Buford-Trenton.....	349,000.00	275,596.18
Do.....	Williston.....	634,000.00	519,302.14
Oklahoma.....	Cimarron.....	12,000.00	8,863.24
Oregon.....	Central Oregon.....	45,000.00	39,216.38
Do.....	Umatilla.....	1,225,000.00	1,169,829.45
Oregon-California.....	Klamath.....	2,409,000.00	1,848,933.48
South Dakota.....	Bellefourche.....	2,670,000.00	2,247,896.48
Utah.....	Strawberry Valley.....	1,030,000.00	832,356.34
Washington.....	Okanogan.....	593,000.00	530,425.38
Do.....	Yakima.....	4,576,000.00	2,899,960.87
Wyoming.....	Shoshone.....	3,828,000.00	3,253,588.20
Secondary projects.....		666,000.00	500,311.20
Town-site development.....		23,000.00	10,571.60
General expenses.....		300,000.00	158,897.81
		60,407,000.00	50,688,083.13

3675 *Statement showing allotments authorized, expenditures, and cash balances of allotments to September 30, 1909, by projects.*

State and project.	Allotments authorized to Dec. 31, 1910.	Expenditures.	Balance of allotments.	Current liabilities.	Net balances.
Arizona: Salt River.....	\$8,245,000.00	\$7,447,080.33	\$797,919.67	\$598,151.58	\$199,768.09
Arizona-California:					
Colorado River.....	45,000.00	42,520.54	2,479.46	.....	2,479.46
Yuma.....	3,710,000.00	3,459,434.78	250,565.22	76,557.21	174,008.01
California: Orland.....	608,000.00	209,744.89	398,255.11	38,597.58	359,657.53
Colorado:					
Grand Valley.....	225,000.00	57,393.24	167,606.76	1,563.71	165,043.05
Uncompahgre.....	4,455,000.00	3,745,255.89	709,744.11	55,922.06	653,822.05
Idaho:					
Minidoka.....	3,456,000.00	2,522,740.16	933,259.84	230,892.88	702,366.96
Payette-Boise.....	3,463,000.00	2,523,926.78	939,073.22	357,462.84	581,620.38
Snake River storage.....	196,000.00	46,750.98	149,249.02	.....	149,249.02
Kansas: Garden City.....	419,000.00	373,552.44	45,447.56	8,792.48	36,655.08
Montana:					
Huntley.....	955,000.00	902,686.61	52,313.39	6,941.36	45,372.03
Milk River.....	593,000.00	299,761.32	293,238.68	40,026.15	253,212.53
St. Mary.....	296,000.00	253,631.77	44,368.23	1,238.45	41,582.03
Sun River.....	672,000.00	531,705.31	140,294.69	4,754.81	135,539.88
Montana-North Dakota: Lower Yellowstone.....	2,910,000.00	2,718,213.95	191,786.05	44,245.14	147,540.91
Nebraska-Wyoming: North Platte.....	5,085,000.00	4,210,306.83	874,693.17	53,765.89	820,927.28
Nevada: Truckee-Carson.....	4,198,000.00	3,995,851.64	202,148.36	30,540.50	171,607.86
New Mexico:					
Carlsbad.....	705,000.00	674,386.45	30,613.55	4,088.85	26,524.70
Hondo.....	359,000.00	342,769.25	16,230.75	349.40	15,881.35
Leasburg.....	210,000.00	186,920.47	23,079.53	1,238.45	21,841.08
New Mexico-Texas:					
Rio Grande.....	100,000.00	66,609.21	33,390.79	.....	33,390.79
Rio Grande dam appropriation.....	1,000,000.00	153,982.88	846,017.12	7,103.06	839,914.06
North Dakota:					
Buford-Trenton.....	349,000.00	273,525.85	75,474.15	2,965.96	72,508.19
Washburn.....	12,000.00	11,145.00	855.00	11.30	843.70
Williston.....	634,000.00	514,940.66	119,059.34	1,102.70	117,956.64
North Dakota-South Dakota:					
Bowman.....	10,000.00	4,553.38	5,446.62	16.20	5,430.42
Oklahoma: Cimarron.....	12,000.00	8,183.89	3,816.11	339.73	3,476.38
Oregon:					
Central Oregon.....	45,000.00	39,146.86	5,853.14	.....	5,853.16
Umatilla.....	1,225,000.00	1,127,193.55	97,806.45	11,143.69	86,662.74
Oregon-California: Klamath.....	2,409,000.00	1,756,767.84	652,232.16	33,175.26	619,056.90
3676 South Dakota: Bellefourche.....	2,670,000.00	2,109,248.74	560,751.26	114,556.98	446,194.28
Utah: Strawberry Valley.....	1,030,000.00	780,235.43	249,764.57	15,426.66	234,337.91
Washington:					
Okanogan.....	583,000.00	510,589.80	72,410.20	7,967.79	64,442.41
Yakima.....	4,576,000.00	2,625,002.06	1,950,997.94	137,399.43	1,813,598.51
Wyoming: Shoshone.....	3,828,000.00	3,085,516.83	742,483.17	174,341.00	568,142.17
Secondary projects.....	644,000.00	573,350.53	70,649.47	768.85	69,880.62
Town-site development.....	23,000.00	8,902.94	14,097.06	.....	14,097.06
General expenses.....	300,000.00	184,263.81	115,736.19	42,566.70	73,169.49
	60,257,000.00	48,377,792.89	11,879,207.11	2,105,552.40	9,773,654.71
Deduct allotment authorized in excess of amount available.....	\$5,828,576.29	.....	\$5,828,576.29	.....	.....
	54,428,423.71	48,377,792.89	6,050,630.82	2,105,552.40	9,773,654.71

\* Allotted from funds in Treasury for 1910.

Cash balance, accounted for as follows:	
With Treasurer United States, reclamation fund.....	\$4,402,605.18
With special fiscal agents, reclamation fund.....	802,008.52
	\$5,204,613.70
With Treasurer United States, Rio Grande dam appropriation.....	827,592.01
With special fiscal agents, Rio Grande dam appropriation.....	18,425.11
	846,017.12
Unexpended balance, October 1, 1909.....	6,050,630.82

ANALYSIS OF TOTAL AMOUNT AVAILABLE.

Reclamation fund:	
Sales of public land.....	\$52,925,692.77
Sales of town-site lots.....	84,416.91
Repayments of water-right charges.....	418,314.03
Total reclamation fund.....	53,428,423.71
Rio Grande dam appropriation.....	1,000,000.00
Grand total.....	54,428,423.71



The total collections to September 30, 1909, were \$1,732,518.05, of which \$418,314.03 were repayments of water-right building and operation and maintenance charges. The balance, \$1,314,204.02, was collections on account of temporary water rentals, repayments by the Office of Indian Affairs, for construction work on the Gila, Black-foot, Flathead, and Fort Peck Indian projects; forfeitures by contractors and bidders, sales, transportation refunds, etc. This latter amount (\$1,314,204.02), instead of increasing the fund available for allotment, was credited to the project accounts on which the revenues accrued.

3692 *Irrigable area of land under all projects, acreage for which water is now available, acreage covered by water-right applications or contracts, and balance not covered by applications, as shown by project records.*

Projects.	Total acreage to be irrigated.	Acreage for which water is available.	Acreage covered by appli- cations or contracts.	Balance not covered by applications.		
				Private land or state lands.	Public land open to entry.	Total.
Arizona, Salt River.....	240,000	131,000	126,717	4,283		4,283
Arizona-California, Yuma.....	90,160	13,503	7,000		6,503	6,503
California, Orland.....	14,000					
Colorado:						
Grand Valley.....	53,000					
Uncompahgre.....	140,000	20,000	15,600	4,400		4,400
Idaho:						
Minidoka.....	132,031	82,018	70,780.55	11,257.45		11,257.45
Payette-Boise.....	348,000	60,000	15,000	45,000		45,000
Kansas, Garden City.....	10,677	10,661	6,715	3,946		3,946
Montana:						
Huntley.....	28,921	28,921	15,580.88	3,278.47	10,061.65	13,360.12
Sun River.....	276,000	14,811	6,401.75	2,377.64	6,031.61	8,409.25
Milk River.....	215,000					
Montana-North Dakota, Lower Yel- lowstone.....	64,621	43,348	12,814.13	30,533.87		30,533.87
Nebraska-Wyoming:						
North Platte.....	124,000	68,960	59,363.56	9,596.44		9,596.44
Goshen Park.....	100,000					
Nevada, Truckee-Carson.....	200,000	81,361	41,643.18	16,519.90	23,197.92	39,717.82
New Mexico:						
Carlsbad.....	20,073	20,073	14,271	5,802		5,802
Hondo.....	10,000	2,000		2,000		2,000
Leasburg.....	20,000	20,000	18,000	2,000		2,000
New Mexico-Texas, Rio Grande.....	180,000					
North Dakota, North Dakota pumping.....	23,171	12,097	8,541.74	3,555.26		3,555.26
Oregon, Umatilla.....	20,440	14,374.5	11,179	36	3,159.5	3,195.5
Oregon-California, Klamath.....	172,000	30,829	19,450	11,379		11,379
3693 South Dakota, Bellefourche.....	101,967	12,023	8,874.56	3,148.44		3,148.44
Utah, Strawberry Valley.....	60,000					
Washington:						
Okanogan.....	10,000	2,122	2,122			
Sunnyside unit.....	100,000	36,783.95	25,284.56	11,499.39		11,499.39
Tieton unit.....	36,000					
Wapato unit.....	116,000					
Wyoming, Shoshone.....	131,900	31,372.32	12,607.29	1,358.95	17,406.06	18,765.03
Total, January 26, 1910.....	3,037,961	736,257.77	497,906.20	171,971.81	66,379.76	238,351.57

<sup>a</sup> Storage not completed.

<sup>b</sup> Pumping area not adjusted.

<sup>c</sup> Dependent on Lake Tahoe contract.

The estimated total irrigated acreage in the United States in 1909, including rice irrigation, is 12,000,000. The estimated total cost of construction of irrigation systems in 1909 is \$177,000,000, including \$50,000,000 investment in federal works.

Above estimate computed on basis of census report, 1902 (Bulletin No. 16), and from data supplied by reports of state engineers.

3694 *Statement showing irrigable area of public and private land on all projects under the reclamation act of June 17, 1902, to May 3, 1910.*

NOTE.—The following table is in most cases based upon estimates, as there have been but few occasions which would warrant incurring the expense of making a proper examination of the Land Office records to determine the public and private land. By "public land" is meant land which is now subject to entry under the reclamation act or which has been entered under the reclamation act.

Project and State.	Irrigable area.		Total.
	Public. land.	Private. land.	
Arizona, Salt River.....	14,080	225,920	240,000
Arizona-California, Yuma.....	37,160	53,000	90,160
California, Orland.....	200	13,800	14,000
Colorado:			
Grand Valley.....	35,000	18,000	53,000
Uncompahgre.....	36,000	104,000	140,000
Idaho:			
Minidoka.....	107,711	24,320	132,031
Payette-Boise.....	67,711	175,289	243,000
Kansas, Garden City.....		10,677	10,677
Montana:			
Huntley.....	25,729	3,192	28,921
Milk River.....	115,600	133,000	248,000
Sun River.....	180,000	96,000	276,000
Montana-North Dakota, Lower Yellowstone.....	17,794	46,828	64,622
Nebraska-Wyoming, North Platte.....	85,500	43,500	129,000
Nevada, Truckee-Carson.....	44,895	45,828	90,723
New Mexico:			
Carlsbad.....	(a)	20,073	20,073
Hondo.....	240	9,780	10,000
Leasburg.....	(a)	20,000	20,000
New Mexico-Texas, Rio Grande.....	11,960	123,040	135,000
North Dakota:			
Buford-Trenton.....	1,400	11,091	12,491
Williston.....	433	11,567	12,000
Oregon, Umatilla.....	10,588	9,852	20,440
Oregon-California, Klamath.....	42,000	130,000	172,000
South Dakota, Belle Fourche.....	45,000	55,000	100,000
Utah, Strawberry Valley.....		60,000	60,000
Washington:			
Okanogan.....	1,850	8,150	10,000
Sunnyside.....	4,700	93,900	98,600
Tieton.....	2,200	30,200	32,400
Wyoming, Shoshone.....	123,000	8,900	131,900
Total.....	1,010,151	1,584,887	2,595,038

(a) Small acreage.

MAY —, 1910.

Mr. CAMPBELL:

In compliance with your informal request there is herewith inclosed copy of a statement showing the irrigable area of public and private land in the reclamation projects.  
Very respectfully,

MORRIS BIEN, *Supervising Engineer.*

1862

[Takes issue with Garfield.]

BOISE, IDAHO, *March 11, 1910.*

WAYS AND MEANS COMMITTEE,  
*House of Representatives:*

The Interior Department, under Hitchcock and Garfield, gave the widest publicity to reclamation projects by lectures and literature at every national exposition and most state fairs. The Payette-Boise project alone has received 30,000 inquiries, and thousands of settlers, resulting from this publicity. The settlers were never warned against coming. They are here waiting for water. Statements minimizing these facts are cruelly and absurdly false.

Better lend thirty millions than throw the settlers into the city and add thousands to unemployed.

WATER USERS' ASSOCIATION,  
*Payette-Boise Project.*

1863

[Circular.]

*Warning to persons intending to make homestead entries on lands temporarily withdrawn for irrigation purposes in certain States and Territories under act of June 17, 1902.*

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
Washington, D. C., October 25, 1902.

*Registers and receivers, United States land offices in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming.*

GENTLEMEN: You are hereby directed, in addition to the instructions contained in office circular of September 9, 1902, to call the especial attention of all persons that have made, or are intending to make, homestead entries on lands that have been, or may hereafter be, temporarily withdrawn for irrigation purposes to the following statement:

"The withdrawal of these lands is principally for the purpose of making surveys and irrigation investigations in order to determine the feasibility of the plans of irrigation and reclamation proposed; only a portion of the lands will be irrigated even if the project is feasible; it will be impossible to decide in advance of careful examination what lands may be watered, if any; the mere fact that surveys are in progress is no indication whatever that the works will be built, and this fact can not determine how much water there may be available, or what lands can be covered, or whether the cost will be too great to justify the undertaking until the surveys and the irrigation investigations have been completed."

Attention is called to the fact that all the entries made upon the lands referred to are subject to the following proviso of the act of August 30, 1890 (26 Stat., 391):

"That in all patents for lands hereafter taken up under any of the land laws of the United States or on entries or claims validated by this act west of the one hundredth meridian, it shall be expressed that there is reserved from the lands in said patent described a right of way thereon for ditches or canals constructed by the authority of the United States."

Under this provision of the law, should a homestead entry embrace land that is needed in whole or in part for a dam site, a reservoir, or a canal, the land would be taken for such purpose, and the entryman would have no claim against the United States for the taking of such right of way.

You will post a copy of this circular in a conspicuous place in your office and give the subject-matter hereof such general publicity as may be possible.

Very respectfully,

BINGER HERMANN, *Commissioner.*

Approved: October 25, 1902.

E. A. HITCHCOCK, *Secretary.*

4862

DEPARTMENT OF THE INTERIOR,  
Washington, May 20, 1910.

HON. KNUTE NELSON,  
*Chairman Joint Committee of Congress,  
United States Senate.*

SIR: During my examination as a witness before your committee on Thursday, the 5th instant, I was requested by several members to furnish certain data and information which can only be obtained by an examination of the files in the Reclamation Service and in this office. In order to comply with the request, I caused the same to be brought to the attention of the Director of the Reclamation Service and instructed him to furnish me from the files of his office such data as was pertinent to the inquiries made. In response, the Director has made a written report to me. I also directed that an examination be made of the files of this department for the purpose of procuring data necessary to make proper replies to the inquiries propounded by the members of your committee above referred to.

I herewith submit answers based upon the report submitted to me by the Director of the Reclamation Service and upon the examinations so far made in respect to the files of this office.

1. By reference to page 3698 it will appear that Senator Root desired to know what had been done in respect to the construction of the Rio Grande project. The answer to this question is set forth in Exhibit A hereto attached.

2. By reference to page 3702 it will appear that Senator Root desired that the committee be furnished with whatever letters and communications there are among the files of the Reclamation Service or the Interior Department showing upon what application or request the projects for the irrigation of private lands had been made, and that Senator Flint desired that the committee be furnished with the papers which were the basis for the approval of projects in the various States and upon whose recommendation they were made.

The Reclamation Service reports that most of the letters and recommendations referred to are among the files in the Secretary's office, and that but few of them came into the possession of the Director of the Geological Survey or were retained with his files or later transferred to the Reclamation Service. See Exhibit B.

In order to more fully comply with the requests of Senators Root and Flint would require the time of two clerks for two weeks in making search among the records of this office.

3. By reference to page 3702, it will be seen that Senator Flint asks if, when projects were approved to irrigate private lands, "there were projects in other States that did not have their proportion, where the entire project would have been upon public land."

The Director of the Reclamation Service reports that the files of said service did not appear to shed any light upon this question, and in this connection says:

"This is a matter on which the files of the Reclamation Service do not appear to shed any light. In the instructions given regarding surveys and examinations there does not appear to have been any attempt to differentiate between public and private lands, although, as a matter of fact, first attention was given to projects in all of the States and Territories where it was believed the largest area of public land might be involved. So far as the records show, where the land was all in private ownership, this fact was called to the attention of the department in connection with the approval of the project.

4863 "The work of survey and examination was pushed forward in each State in accordance with requirements of section 9 of the reclamation act, and the project which appeared to be the most feasible in that State was recommended for construction, as soon as the conditions regarding water supply, rights of way, and other limitations to feasibility were ascertained, and without reference to the question whether in some other State there might be a project with more public land. Such a condition was not at any time imposed by the Secretary of the Interior."

4. By reference to page 3706, it will appear that Senator Flint desired to know what was the basis of the Secretary's action in approving projects—whether it was the recommendation of Members of Congress from those States and not upon the recommendations of the engineers.

The records of the Reclamation Service disclose that the approval of projects by the Secretary of the Interior followed the recommendations from the Director of the Geological Survey, which recommendations were based upon his personal knowledge of the ground, of surrounding conditions, and of reports from the engineers. All of the projects, except the Grand Valley, which is situated in Colorado, were approved during the time that Hon. Ethan Allen Hitchcock was Secretary of the Interior. It is understood that he was tendered advice by Senators and Representatives from the States in which the projects are situated.

5. By reference to page 3706, it appears that Senator Root requested that in furnishing data in answer to the request of Senator Flint, last above mentioned, to keep in mind this distinction, "whether that law has been and is to be administered as a law for the irrigation of public lands or a law for the distribution of public moneys."

The examination so far made has failed to produce any data which would show that the reclamation act was administered by my predecessors as a law for the distribution of public moneys. As the head of the Interior Department, I believe that the said act should be administered as a law intended for the irrigation of public lands and not as a law for the distribution of public moneys.

6. By reference to page 3707, it appears that Representative Olmsted desired a statement of the amount which has been charged against private lands within irrigation projects and the amount actually paid.

4863 A table has been compiled from the data now available in the Reclamation Service, showing that there is reported as collected to March 31, 1910, the sum of \$1,000,753.94, including dues from both public and private lands. This exhibit is hereto attached, marked "Exhibit C." It would require a great deal of work and considerable time to determine how much of the sum so collected has been received from private lands. This information will be furnished later if the committee so desires.

7. By reference to pages 3707 and 3708 it appears that Senator Sutherland asked if there is a feasible project in California upon which public moneys could be expended

that the Senators and Representatives of that State failed to bring to the attention of the department.

To fully answer this question would require an extended examination of the files of this office. It is believed there are feasible projects in California which embrace private lands and which have never been subject to correspondence between the Senators and Representatives of that State and the department.

8. By reference to page 3708 it will appear that Senator Root desired the committee to be furnished with an estimate of the cost of the various projects prior to the time of their approval.

In reply to this question the Reclamation Service reports as follows:

"All originals of such estimates upon which the Secretary of the Interior took action must be on the files of the department. Some of the duplicate or retained copies, which originally may have been in the files of the Geological Survey, were apparently taken informally from the files from time to time and used as a basis for further discussion with the Secretary of the Interior or others, and presumably left at the department or attached to various papers, as many such documents are missing from the material as transferred to the Reclamation Service from the Geological Survey.

"In this connection, it is to be noted that the principal estimates of cost considered by Secretary Hitchcock, and Director Walcott, were embodied in reports of boards of engineers. These were sometimes accompanied by the detailed alternative estimates of the local engineers, prepared in the years 1903 to 1905. Very few of these are now to be found in the Washington office. Careful search has been made through all of the old files obtained from the Geological Survey for any copies which may be left.

"For a full set of these estimates, search should first be made in the files of the department. If this fails to produce the documents, then it will require search of the old files of the project offices, or the copying from the original computation notes now stored at the principal offices of the projects. It should be borne in mind, however,

that in nearly all cases, the Secretary of the Interior has modified the original 4864 conception of the projects in accordance with the developments made; has added features which were not contemplated in the original engineering estimates, such for example, as the canal system in the Salt River Valley, Arizona, so that any estimates made prior to the first approval of the project, and presented by Director Walcott to Secretary Hitchcock, now bear little relation to the work as completed.

"All of these details regarding approval of expenditures on projects have been embodied in the quarterly estimates, all of which must be on the files of the department. Those covering the period from 1903 to 1905, during which the projects were taken up, embracing between 2,500 and 3,000 pages of manuscript, give, step by step in advance of expenditure, every item of work and an abstract of every authorization.

"The files of the Reclamation Service in Washington are now practically depleted of everything relating to original estimates made prior to the approval of the various projects. This is due to the following facts:

"1. All the originals which may have been considered by the Secretary of the Interior were kept at the department and are presumably on the files in the department.

"2. Many of the duplicates, which otherwise might be in the files of the Reclamation Service, have presumably been called for urgently from time to time by the department, and were not returned to the Geological Survey and hence not transferred to the Reclamation Service.

"3. A few statements and estimates have been returned to the field offices for revision in connection with changes in the original plans made from time to time by the Secretary of the Interior, and have been used in revision, and after revision, have been left in the project files.

"4. Many original estimates were never transmitted to the Washington office, but were considered in the field by Director Walcott and by the board of engineers, and remained in the field offices. Many of these alternative estimates, like drafts of letters, not being officially adopted nor accepted by the board of engineers, were never deemed of sufficient importance for transmission to the Washington office."

The Reclamation Service also prepared a statement in regard to this matter which is hereto attached as Exhibit D. The engineers' estimates therein referred to will be furnished to the committee if it so desires.

9. By reference to said page 3708 it will also appear that Senator Root desired that the committee be furnished a statement showing the actual cost of each project.

In answer to the above there is herewith attached a table prepared by the Reclamation Service, marked "Exhibit E."

10. By reference to the same page it will appear that Senator Root also desires that the committee be informed of the amount necessary to complete the projects which have been approved.

A statement covering the future proposed expenditures on each project was prepared and transmitted to Members of Congress from time to time and is set forth in a letter addressed by the Secretary of the Interior to Hon. Thomas H. Carter, chairman Committee on Irrigation and Reclamation of Arid Lands, United States Senate, dated December 31, 1909, a copy of which letter is set forth on page 3696 of the record. A further answer to the last-named question of Senator Root will be found in Exhibit F, hereto attached.

11. By reference to page 3713 it appears that Senator Purcell desired to be informed how much land there is in North Dakota which is supposed to be benefited by the Lower Yellowstone project. This project covers 65,000 acres in all, located in Montana and North Dakota, of which 16,000 acres are in the State of North Dakota.

12. At page 3715 Senator Flint made use of the following language, viz:

"The point I wanted to make clear to this committee, if I could, is this: That every doubtful project that we have here is in a State that contributed a large sum to the reclamation fund, and, according to my contention, the project was approved, not because it was a feasible project, but so that they could obtain a distribution of those funds in those States, and it was not done on a business basis. I want to ask you if you will look up the records and ascertain if in these various projects that that is not a fact; that they placed this pumping station out there in the river on this Williston project and took private land in the Garden City and went to New Mexico, to Hondo, and the Carlsbad project, simply to give those States their proportions, when there was no feasible project there. I will ask you to look up that record and furnish us all the data you can on that subject."

So far as examination of the records of the department has been made, nothing has been disclosed which would show that the projects mentioned by Senator Flint were approved mainly in order to give the State and Territory where they are located their proportionate share of the money realized from the sale of public lands, and it would seem that when the projects were approved they were considered feasible and practicable. The Territory of New Mexico and the State of North Dakota have 4865 contributed largely to the reclamation fund. In neither have the expenditures reached the full proportion required by section 9 of the reclamation act.

The difficulty in giving direct and explicit answers to many of the questions above mentioned arises from the fact that at the time of the passage of the reclamation act data in respect to each of the projects was filed in a division in the office of the Secretary known as the land and railroad division, which was abolished in 1907. This data is embodied in various papers attached to the several projects and is very voluminous, and it would require the time and attention of two clerks at least two weeks longer in order to collect and arrange this data for consideration. If it is desired, I will detail two clerks to continue the examination and to arrange the pertinent papers which have been forwarded from the Reclamation Service, and which they may find in this office, in such manner as your committee may readily refer to them.

Very respectfully,

R. A. BALLINGER, *Secretary*.

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#### EXHIBIT A.

##### RIO GRANDE PROJECT.

The Rio Grande project in New Mexico is an outgrowth of action by the Department of State on international questions involving claims of Mexico to ancient water rights. That department caused the institution of a suit preventing the construction of an irrigation project undertaken by the Rio Grande Dam and Irrigation Company, at what is known as the Elephant Butte in New Mexico, and which threatened to deprive Mexico of the waters which had been used for many years. The State Department also requested that approval to be withheld of all private projects on public lands in the basin of the Rio Grande. Ultimately the claims of the irrigation company were contested in the courts and the State Department then requested that the matter be taken up under the terms of the reclamation act with a view to the settlement of the claims of Mexico. A feasible project was found under the terms of the reclamation act, and one which would also provide a satisfactory water supply for the lands in Mexico which claimed a loss of water rights. Thereupon a treaty was negotiated and on May 21, 1906 (34 Stat. L., 2953), was concluded. During this time the reclamation act was

extended to Texas for the purposes of the Rio Grande project on February 25, 1905. (33 Stat. L., 814.)

In the meantime the engineering features of the project had been examined under instructions from the Secretary of the Interior, and on the basis of the facts presented the project was authorized on December 2, 1905. The project as outlined is described in the Third Annual Report of the Reclamation Service.

Construction was begun on the Leasburg unit on November 29, 1906. The treaty with Mexico was proclaimed on January 16, 1907. To provide the funds then estimated as the proportionate expense for the carrying out of the treaty, Congress on March 4, 1907, appropriated \$1,000,000. (34 Stat. L., 1357.)

Work has been carried on continuously, the chief feature being the acquisition of rights of way for the storage reservoir, preparation of the site and the building of a subsidiary dam at Leasburg, now completed. The results are shown in the annual reports of the Reclamation Service, notably, in the fifth annual report, describing the Leasburg work, and the seventh and eighth annual reports.

For the reservoir site, a tract of land of about 40,000 acres, owned by many individuals, must be acquired. It was necessary in advance to find the exact location of about 200 tracts and make many surveys and examinations, as many had never been surveyed or mapped, and on the basis of these surveys to search out about 200 owners, ascertain the titles, and make almost innumerable adjustments due to the character of the land ownership held by many Spanish-speaking people.

In the meantime, through sufferance of the owners of certain of the lands, the abutments for the big dam have been under examination, a construction camp and equipment laid out, and a railroad 10½ miles long partly graded.

In the course of negotiations with the principal owners there developed many questions, not only concerning title to the lands, but also those relating to the value of the land, and its possible mineral contents, and it was asserted that there were included within the reservoir site valuable mines of coal, copper, etc. The negotiations have thus been protracted until every possible question of ownership and use of the land has been thoroughly investigated, first, to provide information on which to negotiate purchases, some of which have been concluded, and, second, to provide the facts necessary in undertaking condemnation proceedings for the remainder of the land. As soon as the pending questions have been determined and the \$200,000 awarded by the appraisers has been paid, it is proposed to again resume the work as rapidly as conditions will permit.

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#### EXHIBIT B.

The following letters and recommendations taken from the files of the Reclamation Service, and arranged alphabetically by States and projects, are all that bear upon applications or requests for projects involving irrigation of private lands. The greater part of this correspondence, as before stated, is presumably on the files of the department:

#### *Arizona: Salt River project.*

- 1902. Oct. 3. Clipping from Arizona Republican: "Water users' plan receives approval."
- 1903. Feb. 4. Hon. M. A. Smith to Secretary Hitchcock.
- Mar. 19. Director Walcott to Secretary Hitchcock.
- Mar. 25. Director to Secretary.
- Mar. 25. Secretary to director.
- Mar. 26. Secretary to director.
- Mar. 26. J. G. Holmes to director.
- Mar. 28. D. B. Heard to director.
- Mar. 28. James Johnson to director.
- Mar. 28. J. M. Woolf to director.
- Mar. 29. Director to Secretary.
- Mar. 24. Pamphlet "Water storage for the Salt River Valley and an explanation of the minority's position."
- Mar. 30. C. G. Jones to director.
- Mar. 30. D. B. Heard to Secretary and to director (2).
- Apr. 6. Petitions to director (4).
- Apr. 10. Director to Secretary, with Exhibits A to I.
- Apr. 11. Director to Secretary.
- Apr. 17. Secretary to director.
- Apr. 18. Pamphlet "Salt River reservoir is assured."
- Apr. 24. Secretary to director.
- May 16. D. B. Heard to director.
- (?) Memo. by Robert Muldrow, "Reasons for immediate construction of Salt River reservoir."

*Arizona-California: Yuma project.*

1904. Jan. 2. Director to Secretary, transmitting petitions.  
 Sept. 6. Director to Secretary (3 letters).  
 Sept. 29. Lippincott transmitting memorandum.  
 Oct. 11. Lippincott transmitting copy of petition.  
 Oct. 17. Director to Secretary.  
 Oct. 21. Director to Secretary.  
 Dec. 20. Director to Secretary.  
 1905. Jan. 7. Alexander O. Brody to Secretary.  
 Mar. 18. Director to Secretary.

*California: Orland project.*

1902. Aug. 28. Senator George C. Perkins to Secretary.  
 1905. Dec. 1. Orland Water Users' Association to W. A. Beard.  
 Dec. 2. Sacramento Valley Development Association to Secretary.  
 Dec. 11. J. B. Lippincott to chief engineer.  
 Dec. 27. Chief engineer to Lippincott.  
 Dec. 14. Sacramento Valley Development Association to Secretary.  
 1906. Apr. 21. W. A. Beard, secretary Sacramento Valley Development Association, transmitting application from water users, and petition.  
 June 11. Director to D. E. McKinlay.  
 Nov. 1. Song "Sign It, Every Man."  
 Apr. 9. Senator Flint to director.  
 Apr. 14. Director to Senator Flint.  
 Dec. 15. Orland Water Users' Association to Newell.  
 Dec. 21. Chief engineer to Orland Water Users' Association.

4867 *Colorado: Uncompahgre Valley (or Gunnison) project.*

1902. Dec. 4. Board of control to director.  
 Dec. 11. Director to board of control.  
 Dec. 20. S. A. Heckethorn to director.  
 1903. Jan. 7. Director to S. A. Heckethorn.  
 1902. Dec. 20. Board of control to director.  
 1903. Jan. 7. Director to board of control.  
 1902. Dec. 23. F. D. Catlin to director.  
 1903. Jan. 7. Director to F. D. Catlin.  
 1902. Dec. 24. John C. Bell to director, and reply.  
 1903. Mar. 6. Director to John C. Bell.  
 Apr. 16. Acting director to S. A. Heckethorn.  
 "Special file," listing correspondence had concerning water users' association during 1903.  
 1904. Not dated. Uncompahgre Water Users' Association to Secretary, received at department April 27, 1904.  
 May 12. Clipping from Montrose Enterprise.  
 June 9. Secretary Colorado State Realty Association to chief engineer.  
 June 14. Colorado State Realty Association to Secretary.  
 June 8. Montrose Chamber of Commerce to chief engineer.  
 June 14. Acting director to Secretary.

*Idaho: Payette-Boise project.*

1904. Mar. 21. Director to Secretary.  
 Apr. 5. D. W. Ross to chief engineer.  
 Apr. 6. Director to Secretary.  
 Sept. 17. D. W. Ross to chief engineer, and reply.  
 Oct. 19. D. W. Ross to chief engineer, and reply.  
 1905. July 17. Fred T. Dubois to director, referring petition July 15.  
 Oct. 30. J. H. Lowell to D. W. Ross, with pamphlets 1 and 2 and Exhibits A to I.  
 1906. Feb. 14. D. W. Ross to acting chief engineer, and reply.  
 1907. Mar. 5. Senator Heyburn to Secretary (petition), and reply.

*Montana-North Dakota: Lower Yellowstone project.*

1903. No date. H. L. Moody to Secretary. (Received at department July 27.)  
 1904. Jan. 11. Senator W. A. Clark to director.



*Montana: Milk River project.*

1904. Feb. 12. Director to Secretary.  
 Feb. 13. Protest against diverting waters of Milk River.  
 Feb. 13. Petition for early construction.  
 Mar. 7. W. M. Wooldridge to chief engineer, and reply.  
 Mar. 17. Hon. Jos. M. Dixon to Secretary (petition).  
 1905. Mar. 20. Senator Paris Gibson to Newell, and reply.  
 Mar. 20. Senator Paris Gibson to President (inclosing memorial in 5 parts), and reply.  
 Mar. 22. Milk River United Irrigation Association to chief engineer.  
 1906. Mar. 17. St. Marys River Improvement Association to Geological Survey (petition in 2 parts), and reply.

*Nebraska-Wyoming: North Platte project.*

1905. Feb. 2. Hon. M. P. Kinkaid to chief engineer, and reply.

*New Mexico-Texas: Rio Grande project.*

1904. July 21. W. H. H. Llewellyn to Secretary, and replies.  
 Dec. 16. W. H. H. Llewellyn to chief engineer.  
 1905. May 30 (?). Pamphlet entitled "Rio Grande Reclamation Project."

4868 *New Mexico: Carlsbad project.*

1903. Jan. 14. Com. of Irrigation to Secretary.  
 1905. Aug. 21. Hugh D. Bowker to chief engineer, and reply.  
 Oct. 6. B. M. Hall to chief engineer, and reply.  
 Oct. 27. Chief engineer to Director Geol. Survey.  
 Nov. 10. A. A. Freeman et al. (citizens of Carlsbad) in petition to Secretary.

*North Dakota: Pumping projects.*

1905. Sept. 27. Hon. T. F. Marshall to chief engineer, and reply.  
 Dec. 21. Senator Hansbrough to President, and reply to Secretary.

*Oregon-California: Klamath project.*

1904. July 29. Report "Status of Investigation" by J. B. Lippincott.  
 July 30. Henry L. Benson to chief engineer, and reply.  
 Aug. 28 (?). Binger Hermann to Geological Survey, and reply.  
 Aug. (?). J. O. Hamaker et al. to chief engineer (petition).  
 Aug. 26. John H. Mitchell to Secretary.  
 Sept. 1. Clipping from Klamath Republican—"Farmers meet."  
 Sept. 1. Clipping "Klamath landowners want U. S. irrigation."  
 Sept. 10. Senator John H. Mitchell to chief engineer, and reply (petition).  
 Sept. 16. W. S. Merrill et al. to chief engineer, and reply.  
 Sept. 17. Senator C. W. Fulton to chief engineer, and reply.  
 Sept. 20. Acting director to Secretary.  
 Dec. 21. C. K. Brandenburg to President, and reply.  
 1905. Jan. 16. Senator Thomas R. Bard to director, and reply.  
 Jan. 18. Pamphlet, Senate Calendar No. 2962, Report 3068.  
 Jan. 20. Pamphlet, House Report No. 3764, Fifty-eighth Congress, third session.  
 Feb. 9. Copy of act approved February 9, 1905, authorizing the changing of levels of lakes.

*Oregon: Umatilla project.*

1904. Nov. 9. Hon. John H. Mitchell to Secretary, and reply to Secretary.  
 1906. Apr. 9. Hon. C. W. Fulton to Secretary, and reply to Secretary.

*Utah: Strawberry Valley project.*

1903. Jan. 19. J. S. McBeth to F. H. Newell, and reply.  
 1905. Jan. (?). Chas. Hanks et al., to chief engineer, petition.  
 1906. Mar. 28. President to director.  
 Mar. 31. Director to President.

*Washington: Yakima Valley projects.*

1902. Oct. 16. Acting director to Tacoma Chamber of Commerce.  
 1903. Feb. 2. Hon. Geo. Turner to director, and reply.  
 1904. Mar. 3. Hon. W. L. Jones to director, and reply.  
 1905. Feb. 3. T. A. Noble to chief engineer, and reply.  
 Apr. 14. Commercial Club of Kittitas County to R. S., and reply.  
 May 20. Spokane Chamber of Commerce to chief engineer, and reply.  
 May 20. Spokane Chamber of Commerce to President, and reply.  
 June 2. J. H. Kennedy to Secretary, and reply.  
 Sept. 25. Hon. W. L. Jones to F. H. Newellm and reply.  
 Nov. 14. Resolutions of Yakima Commercial Club.  
 Dec. 5. Memoranda relating to irrigation in Washington, handed to President by Hon. W. L. Jones.  
 Dec. 12. Secretary to Director.  
 Dec. 13. Kittitas Commercial Club to chief engineer, and reply.  
 1906. June 7. Hon. W. L. Jones to Secretary and report to Secretary.  
 July 16. M. N. Knappenberg to President.

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*Okanogan project.*

1903. Mar. 3. Hon. A. G. Foster to Secretary.  
 Aug. (?) Okanogan County Improvement Club to Secretary.  
 1904. Nov. 3. Hon. A. G. Foster to director, and reply.  
 Dec. 9. Hon. A. G. Foster to director, and reply.  
 Dec. 15. Hon. A. G. Foster to director.  
 1905. Jan. 10. Hon. E. W. Foster to director.  
 Jan. 10. Hon. A. G. Foster to director.  
 Feb. 4. Hon. W. L. Jones to chief engineer, and reply.  
 Jan. 28. S. T. Sterling to director, and reply.  
 Feb. 7. J. J. Hill to director, and reply (petition).  
 Feb. 8. Hon. A. G. Foster to director, and reply (petitions).  
 Feb. 13. Hon. A. G. Foster to director, and reply.  
 Feb. 13. Hon. W. L. Jones to director, and reply.  
 Mar. 6. Hon. W. L. Jones to director, and reply.  
 Nov. 28. S. T. Sterling to A. P. Davis, and reply

## EXHIBIT C.

*Total reported collections on water-right repayment accounts, including reductions of dues for services rendered to March 31, 1910.*

[This table does not include receipts from water rentals and does not distinguish between receipts from so-called public lands (those held under the act of June 17, 1902) from the private lands (those held under other acts).]

State.	Project.	Amounts collected.*
Arizona.....	Salt River.....	\$100,000.00
Arizona-California.....	Yuma.....	255,634.96
Idaho.....	Minidoka.....	247.00
Kansas.....	Garden City.....	66,021.62
Montana.....	Huntley.....	24,919.12
Do.....	Sun River.....	7,204.00
Montana-North Dakota.....	Lower Yellowstone.....	80,395.44
Nebraska-Wyoming.....	North Platte.....	102,788.66
Nevada.....	Truckee-Carson.....	60,117.95
New Mexico.....	Carlsbad.....	895.43
North Dakota.....	Buford-Trenton.....	506.75
Do.....	Williston.....	53,351.30
Oregon.....	Umatilla.....	19,445.55
Oregon-California.....	Klamath.....	28,896.92
South Dakota.....	Belle Fourche.....	3,722.70
Washington.....	Okanogan.....	122,709.97
Do.....	Yakima.....	73,903.57
Wyoming.....	Shoshone.....	
Total.....		1,000,753.94

\* In addition to these collections there has been informally reported collections amounting to \$84,065.72; a number of land offices have not yet reported April collections.

## EXHIBIT D.

## ESTIMATE OF COST PRIOR TO APPROVAL.

Herewith are all of the original engineering estimates now on the files of the Reclamation Service relating to the cost of various items of each project prior to approval. As stated in the letter of which this is an exhibit, the remaining data are presumably to be found on the files of the department. The material herewith represents what was transferred from the Geological Survey and what is left of the material not previously called for. Copies of these have not been made. The material is arranged alphabetically by States and projects, and there is given herewith a list of the projects in the order of approval by the Secretary.

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*Approval of projects.*

March 14, 1903: Wyoming, Sweetwater (North Platte, Wyoming-Nebraska); Montana, Milk River; Nevada, Truckee-Carson; Colorado, Gunnison; Arizona, Salt River.

November 19, 1903: New Mexico, Hondo.

February 10, 1904: Wyoming, Cody (Shoshone).

April 23, 1904: Minidoka, Idaho.

May 10, 1904: Belle Fourche, S. Dak.; Lower Yellowstone, Montana-North Dakota; Yuma, Arizona-California.

November 18, 1904: North Dakota (pumping plants).

At end of 1904 projects had been approved in Arizona, California, Colorado, Idaho, Montana (2), North Dakota (2), Nebraska, South Dakota, Wyoming, Nevada, New Mexico—11 States or Territories in all.

Projects had not been approved in Kansas, Oklahoma, Oregon, Utah, and Washington.

March 27, 1905: Payette-Boise, Idaho (duplicating Minidoka).

April 18, 1905: Huntley (third in Montana).

May 15, 1905: Klamath, California-Oregon.

September 14, 1905: Garden City, Kans.

November 28, 1905: Carlsbad, N. Mex. (second in New Mexico).

December 2, 1905: Okanogan, Wash.

December 2, 1905: Leasburg diversion, Rio Grande, N. Mex. (third in New Mexico).

December 4, 1905: Umatilla (second in Oregon).

December 2, 1905: Yakima Valley (second in Washington).

December 15, 1905: Strawberry Valley, Utah.

At the end of 1905 projects had been approved in all States, excepting Oklahoma, and all notable projects taken up, except Orland, Cal., and Sun River, Mont.

The following statements give in chronological order the original estimates of the cost of each of the approved projects, and dates when estimates were acted upon.

## 1902.

On passage of the act of June 17, 1902, the Reclamation Service was organized under the Director of the Geological Survey. The various engineering data collected by that survey were utilized largely by the men who had collected these facts, additional engineers being employed from time to time during 1902 and additional data obtained.

## 1903.

Shortly after the beginning of the calendar year 1903, or about nine months after the passage of the act, sufficient information had been acquired to enable a general statement to be made, of certain large projects. On March 7, 1903, the Director of the Geological Survey, Mr. Charles D. Walcott, called to the attention of Hon. E. A. Hitchcock, Secretary of the Interior, the fact that there was available for expenditure from the reclamation fund upward of \$10,000,000. He therefore recommended that the following projects be adopted:

Sweetwater, Wyo.; Milk River, Mont.; Truckee, Nev.; Gunnison, Colo.; and Salt River, Ariz. This was approved by the Secretary of the Interior on March 14, 1903.

*Sweetwater project (Pathfinder), Wyoming.*—The first plans involved construction of a reservoir in central Wyoming on Sweetwater River. The estimated cost was \$400,000. The location of the proposed dam was afterwards moved to the larger and more advantageous Pathfinder site, and expenditures increased accordingly. May 3, 1904, the Secretary of the Interior authorized the expenditure of \$1,000,000 for the Pathfinder reservoir, contingent upon favorable reports on details of construction.

The expenditure on this reservoir up to the present time has been \$1,200,000. It is now included in what is known as the North Platte project, Nebraska-Wyoming. The Interstate Canal, utilizing part of the water stored behind this dam, was approved by the Secretary of the Interior on December 22, 1904.

*Milk River project (St. Mary Lake), Montana.*—This contemplated the reclamation of land along Milk River, Montana, by flood waters of that stream, and by increasing the water supply in Milk River the cost of work, including the dam at the outlet of St. Mary Lake and canal for delivering water to the North Fork of Milk River, was given at \$950,000. It was also proposed to construct canals and reservoirs in Milk River Valley, the total cost of the system being placed at \$2,000,000. The total expenditure upon these projects to date has been: St. Mary, \$260,000; Milk River, \$392,000.

4871 *Truckee-Carson project, Nevada.*—This included the control of the water in Lake Tahoe and construction of a canal from Truckee River to Carson River, at an estimated cost of \$1,500,000. The plans from time to time have been revised to include larger areas, and the total expenditures are a little over \$4,000,000.

*Gunnison project (Uncompahgre Valley), Colorado.*—This required the construction of a tunnel from Gunnison River and a canal system at a total cost of \$3,000,000. The general designs have been modified from time to time to satisfy the conditions as they arose, and the total expenditures have been about \$3,900,000. On June 7, 1904, the Secretary of the Interior set aside \$2,500,000 to proceed with the work previously authorized in the letter of March 14, 1903. The report of the Board of Engineers shows that the investigations carried on up to that time indicated the feasibility of the project. The expenditures up to December 31, 1909, have been \$3,890,000, of which the most expensive item has been the tunnel, costing \$2,700,000, the lining not yet being completed.

*Salt Lake project, Arizona.*—This was a storage system, water to be held by a large dam for use in the vicinity of Phoenix, Ariz. The total cost of the reservoir and appurtenances was estimated at \$2,800,000. After the first authorization of the work on the basis of larger information the size of the dam was enlarged and the reservoir capacity nearly doubled. The Arizona canal system has also been purchased and the original conception entirely revised. The total expenditures amount to over \$7,800,000.

In accordance with recommendation, the Secretary of the Interior on March 14, 1903, authorized the acquisition of necessary lands and rights of way and the negotiations with owners of irrigable lands, the project as outlined being approved with a view to continuing work which otherwise would have been greatly delayed for the ascertainment of facts necessary for the preparation of specifications and for letting contracts.

*Hondo project, New Mexico.*—On November 10, 1903, the Secretary of the Interior approved the taking up of the project, investigation of land titles, the organization of an association, the preparation of detailed plans and specifications, and granted authority to carry the work into effect, the cost being estimated in round numbers at \$240,000. Expenditures up to December 31, 1909, had been \$343,000, the original designs having been modified somewhat in accordance with the investigations authorized, as before stated.

1904.

At the beginning of the calendar year 1094 approval had been given in general terms, as above stated, to projects in Wyoming, Montana, Nevada, Colorado, Arizona, and New Mexico. During 1904 additional projects were passed upon by boards of engineers and brought to the attention of the Secretary of the Interior by the Director of the Geological Survey as follows: Cody or Shoshone, Wyo.; Minidoka, Idaho; Belle Fourche, S. Dak.; Lower Yellowstone, Montana; Yuma, California-Arizona; Uncompahgre, Colo.; pumping plants in North Dakota. These are described below.

*Shoshone project, Wyoming.*—On February 10, 1904, the Secretary of the Interior, following upon the request of the board of land commissioners of the State of Wyoming, set aside \$2,250,000 tentatively for use in construction under certain specified conditions. The plans at that time contemplated a canal heading in the canyon above the town of Cody. Further developments showed the necessity of increasing the height of the dam and of modifying the point of diversion, substituting what is now known as the Corbett tunnel. Expenditures made on the project to December 31, 1909, have been \$3,254,000. This, at the time authorized, was the second project in Wyoming, but considerable doubt existed as to the feasibility of the Sweetwater site, the Pathfinder location not then being determined upon.

*Minidoka project, Idaho.*—On April 23, 1904, the Secretary of the Interior set aside \$2,600,000 tentatively for use in construction. There has been expended \$2,664,000, the gravity system being completed and 65 per cent of the south side pumping system.

*Belle Fourche project, South Dakota.*—On May 10, 1904, the Secretary of the Interior set aside \$2,100,000 for use in construction of this project, subject to certain contingencies, the estimated cost of reclamation being less than \$35 per acre. There has been spent \$2,248,000, and the project is estimated at 77 per cent completed. The original plans have been modified to include a larger acreage.

*Lower Yellowstone project, Montana-North Dakota.*—On May 10, 1904, the Secretary of the Interior set aside the sum of \$1,200,000 for use in construction of the Fort Buford project, subsequently called the Lower Yellowstone. This was the only feasible project then discovered which involved reclamation of lands in North Dakota. The surveys at that time had not progressed to a point sufficient to decide upon the final location, and the plans were subsequently modified. The conditions to be met 4872 were found to be more difficult than anticipated, and the cost up to December 31, 1909, has been \$2,829,000, the work being 95 per cent completed.

*Yuma project, California-Arizona.*—On April 21, 1904 (33 Stat., 224), an act of Congress was approved authorizing the Secretary of the Interior to divert the waters of Colorado River and to reclaim, utilize, and dispose of lands on certain Indian reservations. On May 9, 1904, the Director of the Geological Survey stated that a board of engineers had studied the situation and recommended that, in view of the present knowledge of the projects, the sum of \$3,000,000 be set aside for the construction of the Yuma project, subject to satisfactory adjustment of various matters pertaining to land and water titles and to structural features. This was approved by the Secretary of the Interior on May 10 and work begun. There has been expended about \$3,600,000 in building the Laguna dam and a portion of the canal system.

*North Dakota pumping projects.*—On November 18, 1904, the Secretary of the Interior tentatively set aside \$550,000 and gave authority to complete detailed investigations preparatory to construction. From time to time thereafter, as the plans developed, subsequent authority was given to the various items as presented. There has now been expended on these projects \$786,000.

#### 1905.

At the beginning of the calendar year 1905 projects had been approved, tentatively at least, in 11 out of the 16 States and Territories, these being, in order of dates, as follows: Wyoming (two projects), Montana, Nebraska, Nevada, Colorado, Arizona, New Mexico, Idaho, South Dakota, North Dakota-Montana, and California-Arizona.

Under the terms of the act it was essential to find feasible projects if possible in each of the States of Kansas, Oklahoma, Oregon, Utah, and Washington. Some expenditures had already been incurred on account of approved projects in the State of California near Yuma and in the Territory of New Mexico on the Hondo, but it was not expected that the expenditures on these would utilize the restricted fund available for California and New Mexico.

The progress of taking up new projects and submitting them to the Secretary of the Interior was continued during 1905, as follows:

*Payette-Boise project, Idaho.*—On March 27, 1905, the Secretary of the Interior set aside \$1,300,000 with respect to this project. This was the first notable duplication of projects in any one of the States, there having already been made an allotment to the Minidoka project on April 23, 1904. The work of this locality has been very strongly urged by more than twelve hundred landowners and citizens of the State, and although in the report submitted there was realized the impossibility of early construction of all of the works required there was selected the smallest portion of the general project which could be completed. It was assumed that the entire system as planned would cost about \$11,000,000 and that the Government would not be required to pay for existing works which could be utilized. It was also shown by the advocates of this work that the State of Idaho by recent legislation had provided for cooperation with the Reclamation Service. It was also shown that local conditions required prompt action to enable the best development of the State and that by taking such prompt action development in the future could proceed as required.

There has already been expended \$2,717,000 on the south side portion, and it is apparent that, from radical changes and developments which have taken place, work can not proceed on the original lines and that the north side project may be omitted.

*Huntley project, Montana.*—On April 18, 1905, the Secretary of the Interior set aside \$900,000 for this work. This was a second project in Montana, as the Lower Yellowstone had already been authorized on May 10, 1904. The reason for this duplication was to be found in the act of Congress opening the Crow Indian Reservation to settlement explicitly authorizing the work. The expenditures have been \$911,000.

*Klamath project, Oregon-California.*—On May 15, 1905, the Secretary of the Interior approved the Klamath project and set aside \$1,000,000 for beginning construction.

The estimated cost in round numbers at that time was \$4,400,000, and there was apportioned the sum of \$1,000,000 with a view to the purchase of the property which was under options and for entering on construction of an integral part of the project, as authorized by section 4 of the reclamation act. Conditional approval had been made by the department on April 28, 1905, of agreements to purchase certain private rights. Laws were passed by suitable acts of the legislatures of Oregon and California with reference to changing the levels of the lakes involved. By the act of February 9, 1905 (33 Stat. L., 714), the Secretary of the Interior was authorized to carry out an irrigation project which may involve the changing of the levels of the lakes and to dispose of any land which may come into the possession of the United States as the result of cession from Oregon or California.

**4873** *Garden City project, Kansas.*—On October 5, 1905, the Secretary of the Interior approved this project, and \$258,000 was provisionally allotted. The annual expense being estimated at \$5.20 per acre per annum, the amount expended has been \$376,000.

*Carlsbad project, New Mexico.*—The Secretary of the Interior on November 28, 1905, ordered that, with reference to the Carlsbad project, the matter be made special, and that the sum of \$600,000 be set aside on certain conditions of pledges from the people and agreements for purchase of rights of way. This action was due to the necessity of immediate action to save from destruction a large area of valuable orchards and farms imperiled by the washing out of a dam on the Pecos River. This project was the second undertaking of work in the Territory of New Mexico, as the Hondo project had already been begun, but the expenditures on this were believed to be less than that required to utilize the restricted fund.

*Okanogan project, Washington.*—On December 2, 1905, the Secretary of the Interior approved the setting aside of \$500,000 for the construction of a small project in the State of Washington. Up to that time the feasible projects had not been determined upon in this State, and it was essential that under the terms of the act construction work be begun at an early date.

*Rio Grande project, Leasburg diversion dam, New Mexico.*—On December 2, 1905, the Secretary of the Interior approved setting aside \$200,000 for immediate construction of the Leasburg diversion dam. This was done in order to begin to carry out the project, which had been taken up at the instigation of the State Department with a view to adjusting the claims of Mexico for damages for being deprived of the water of the Rio Grande, and was in accordance with the terms of the act approved February 25, 1905 (33 Stat. L., 814), extending the reclamation act to a portion of the State of Texas. The treaty with Mexico, signed May 21, 1906, was an initial element of this project.

The Leasburg diversion dam was considered to be a part of this general project and work upon it was expedited by order of the Secretary, in accordance with representations made to him that a satisfactory guarantee would be given to the department that all moneys expended up to \$200,000 for the construction of said dam should be returned to the reclamation fund in two years. This guaranty was afterwards waived.

*Umatilla project, Oregon.*—On December 4, 1905, the sum of \$1,000,000 was conditionally set aside for proceeding with the project, it being required that a satisfactory agreement be obtained from the owners of private property, and that sufficient acreage be pledged to secure the return of the reclamation fund.

The expenditures have reached \$1,170,000, and the project is estimated as being 88 per cent completed.

*Yakima River project, Washington.*—On December 12, 1905, the Secretary of the Interior conditionally set aside \$750,000 for the Sunnyside reclamation project, requiring the determination of certain water rights, and the purchase of the Sunnyside Canal. On the same date he set aside \$1,000,000 for the Tieton project, also conditional upon the determination of certain water rights and related questions.

*Strawberry Valley project, Utah.*—On December 15, 1905, the Secretary of the Interior made a conditional approval of allotting the sum of \$1,250,000 for this project. There has already been expended \$832,000 in a power plant and in driving the Strawberry tunnel, the project being as now outlined about 38 per cent completed.

## 1906.

At the beginning of this year projects had been authorized as above stated in all of the States and Territories embraced within the scope of the reclamation act, with the exception of Oklahoma, where extensive surveys had been made and no attractive projects discovered. It may thus be stated that during the years 1903-1905 the Secretary of the Interior had given his approval to the beginning of all the projects now

under way, each approval being as a rule conditional upon certain matters which were to be determined later.

It was appreciated at the time the first allotments were made that it would be impracticable to wait indefinitely for the settlement of all of the engineering and legal difficulties, and that, with a broad knowledge of the feasibility of the projects it was essential to begin construction, open up foundations and, on the basis of the information thus obtained, to modify the plans where necessary. During 1906 there were presented to the Secretary from time to time various modifications of the original projects and approval was given to such changes as circumstances showed were essential.

The only projects subsequently taken up for construction and for which money had not been set aside prior to 1906 were the Sun River in Montana and the Orland in California.

4874 *Sun River project, Montana.*—On February 26, 1906, the Secretary of the Interior approved the general plans for the Sun River project, work to be deferred pending the acquisition of certain titles.

On March 19, 1906, there was provisionally set aside the sum of \$500,000 for beginning construction in part on this project. The estimated expenditure ultimately involved was set at upwards of \$7,000,000, but it was believed that what is known as the Fort Shaw unit could be taken up and pushed to early completion. It was, therefore, approved for future construction and a relatively small investment made in order to hold necessary rights.

*Orland project, California.*—On December 18, 1906, the Secretary of the Interior concurred in a recommendation of the Director of the Geological Survey that \$650,000 be conditionally allotted from the reclamation fund. These conditions were that 12,000 acres be pledged, that satisfactory adjustments be made of water rights and for purchases of lands, and that the owners subdivide their holdings. On October 5, 1907, the conditions were met and definite approval of the project was given. The expenditure of this amount of money in the State was necessary with a view to meeting the requirements of expending the restricted fund in California, and it was believed and hoped that this relatively small project would serve as an object lesson and stimulate development in the resources of the Sacramento Valley. This result has followed, and, due largely to the initiation of this work, great developments have taken place.

#### ACCOMPANYING PAPERS.

Following is a list of the papers from the files of the Reclamation Service giving details of the above estimates.

#### APPENDIX D.

The following papers from the files of the Reclamation Service contain everything bearing upon the estimates made before approval of the projects by the Secretary of the Interior. Most of the papers relating to this subject are presumably on the files of the department:

##### *Arizona: Salt River project.*

- 1903. Mar. 14. Secretary Hitchcock to Director Walcott.
- 1904. Dec. 12. Board of engineers to chief engineer.
- Dec. 26. Director to the Secretary on appraisal Arizona canal.
- 1906. Jan. 11. Director to the Secretary.
- Jan. 13. Secretary to the director.
- July 20. Director to Secretary.

##### *Arizona-California: Yuma project.*

- 1903. Oct. 15. Board of engineers to chief engineer.
- Nov. 17. Perkins to Lippincott.
- Dec. 7. Perkins to Lippincott.
- 1904. Feb. 25. Lippincott to chief engineer.
- Apr. 1. Lippincott to chief engineer.
- Apr. 8. Board of engineers to chief engineer.
- Apr. 9. Board of engineers to chief engineer.
- Apr. 10. Lippincott to chief engineer.
- Apr. —. Exhibits I and II.
- Aug. 17. Lippincott to chief engineer.
- Aug. 19. Board of engineers to chief engineer.
- Sept. 27. Lippincott to chief engineer.
- Oct. 25. Basis of estimates.
- 1905. Jan. 5. Homer Hamlin to chief engineer.
- May 4. Board of engineers to chief engineer.
- Aug. 1. Lippincott transmitting board report.

*California: Orland project.*

1906. Oct. 1. Henny to chief engineer.  
 Oct. 24. Henny to chief engineer.  
 Nov. 12. Board of engineers to chief engineer.  
 Dec. 17. Director to Secretary.  
 Dec. 18. Secretary to director.  
 1907. Aug. 5. Board report to the director.

4875 *Colorado: Uncompahgre Valley project.*

1903. July 3. Quinton to chief engineer.  
 1904. May 13. Board of engineers to chief engineer.  
 May 20. Director to Secretary.  
 June 7. Secretary to director.  
 July 13. Board of engineers to chief engineer.  
 May 1. Report by A. L. Fellows.  
 July 15. Fellows to chief engineer, inclosing board report.  
 July 27. Board of engineers to chief engineer.  
 1905. Feb. 25. Quinton to chief engineer, and reply.

*Idaho: Payette-Boise project.*

1905. Mar. 24. Director to Secretary.  
 Mar. 27. Secretary to director.  
 Oct. 17. Estimates on first section of proposed south-side division.  
 Oct. 19. D. W. Ross to assistant chief engineer.  
 Oct. 31. D. W. Ross to board of consulting engineers.  
 Oct. 24. D. W. Ross to assistant chief engineer.  
 Nov. 2. Board of engineers to chief engineer.  
 Nov. 7. D. W. Ross to assistant chief engineer.  
 1906. Feb. 13. Director to Secretary.

*Kansas: Garden City project.*

1905. Mar. 8. Slichter to chief engineer, describing plant.  
 Mar. 27. Board of engineers to chief engineer.  
 Sept. 5. Board of engineers to chief engineer.  
 Sept. 14. Acting director to Secretary.  
 Oct. 5. Secretary to director.

*Montana-North Dakota: Lower Yellowstone project.*

1904. Mar. (?). Weymouth to chief engineer.  
 Mar. 9. Weymouth to chief engineer.  
 Apr. 23. Board of engineers to chief engineer.  
 May 7. Director to Secretary.  
 May 10. Secretary to director.  
 1905. Mar. 2. Weymouth to supervising engineer.  
 Oct. 10. Secretary to director—changing designation of Fort Buford project to lower Yellowstone project.

*Montana: Milk River project.*

1903. Mar. 14. Secretary to director.  
 Feb. (?). General report, by Cyrus C. Babb.  
 May 4. Board of engineers to chief engineer.  
 1905. Mar. 24. Director to Secretary.  
 Mar. 25. Secretary to director.  
 Apr. 5. General report by Cyrus C. Babb, and reply.  
 June 1. C. E. Grunsky to Director Walcott.  
 1906. Jan. 11. Director to Secretary.  
 Jan. 15. Secretary to director.



*Nebraska-Wyoming: North Platte project.*

1904. May 2. Director to Secretary.  
 May 3. Secretary to director.  
 May 25. Savage to chief engineer, transmitting report of board of engineers, and reply.  
 Sept. 26. Wiley and Quinton to chief engineer.  
 Oct. 11. Board of engineers to chief engineer.  
 Oct. 26. Field to chief engineer.  
 Dec. 2. Director to Secretary.  
 Dec. 22. Secretary to director.

4876

*New Mexico: Hondo project.*

1903. Oct. 6. Report of Geo. Y. Wisner.  
 Oct. 22. Board of engineers to chief engineer.  
 Nov. 2. Chief engineer to Director Walcott; Secretary Hitchcock's approval of 11/10/03 indorsed on back.  
 Nov. 3. Director to Secretary.  
 Nov. 10. Secretary to director.  
 1904. May 4. Board of engineers to chief engineer.  
 June 6. Board of engineers to chief engineer.

*New Mexico-Texas: Rio Grande project.*

1904. Oct. 22. Board of engineers to chief engineer.  
 1905. Mar. 1. Estimates of cost, by B. M. Hall; 25 pages.  
 Nov. 15. Director to Secretary.  
 Nov. 15. Director to Secretary.  
 Nov. 25. Secretary to director.  
 Nov. 29. Director to Secretary.  
 Dec. 2. Secretary to director, and reply.

*New Mexico: Carlsbad project.*

1904. Dec. 16. Reed to chief engineer, inclosing board report, and reply.  
 1905. Aug. 31. Board of engineers to chief engineer.  
 Oct. 14. Chief engineer to Director Walcott.  
 Nov. 20. Director to Secretary.  
 Nov. 27. Director to Secretary.  
 Nov. 28. Secretary to director.  
 Dec. 27. Director to Secretary.  
 Dec. 28. Director to Secretary.  
 1906. Jan. 10. Director to Secretary.

*North Dakota: Pumping projects.*

1904. Nov. 2. Board of engineers to chief engineer.  
 Nov. 8. Preliminary statement by H. A. Storrs.  
 Nov. 9. Storrs to chief engineer.  
 Nov. 14. Acting director to Secretary.  
 Nov. 18. Secretary to director.  
 1905. Oct. 1. Exhibits A, B, and C, data revised to September 22.  
 Sept. 15. Estimate of costs, by H. A. Storrs.  
 Sept. 17. Churchill to board of engineers.  
 Sept. 22. Board of engineers to chief engineer.  
 Sept. 27. Board of engineers to chief engineer, and reply.  
 Sept. 28. Acting director to Secretary.  
 Dec. 12. Savage to chief engineer, transmitting comparative estimates  
 Dec. 24. Estimates for the Williston project.

*California-Oregon: Klamath project.*

1905. May 1. Board of engineers to chief engineer.  
 May 10. Director to Secretary.  
 May 15. Secretary to director.  
 Aug. 9. Board of engineers to chief engineer.

*Oregon: Umatilla project.*

1905. Apr. 8. Whistler to chief engineer.  
 Apr. 10. Director to Secretary.  
 Aug. 10. Estimate, accompanied by blueprint.  
 Sept. 2. Whistler to Henny, comparative estimates.  
 Sept. 11. Henny to chief engineer, and reply,  
 Oct. 21. Ensign to chief engineer, and reply.  
 Nov. 8. Director to Secretary.  
 Nov. 16. Director to Secretary.  
 Dec. 1. Director to Secretary.

4877

*Utah: Strawberry Valley project.*

1904. Sept. 29. Wiley to Supervising Engineer Savage.  
 1905. Aug. 15. Swendsen to chief engineer, copy of report prepared for information of board of engineers.  
 Aug. 16. Quinton, transmitting report of August 14 by board of engineers, and reply.  
 Aug. 19. Savage to chief engineer, and reply.  
 Sept. 8. Acting director to Secretary.  
 Sept. 15. Acting Secretary to director.  
 Sept. 30. Statement by Swendsen for board of engineers.  
 Oct. 2. Board of engineers to chief engineer.  
 1906. Feb. 12. Director to Secretary.

*Washington: Yakima Valley projects.*

1905. Apr. 22. Board of engineers to chief engineer.  
 June 20. Noble to acting chief engineer.  
 Oct. 16. Board of engineers to chief engineer.  
 Oct. 31. Board of engineers to chief engineer, and replies.  
 Nov. 8. Director to Secretary.  
 Dec. (?). J. Jacobs, preliminary report, Sunnyside, and reply.  
 1907. Feb. 12. W. B. Bridgman to supervising engineer, Portland.

*Washington: Okanogan project.*

1903. Apr. 22. Noble to chief engineer, with illustrations.  
 1904. Oct. 23. Hewitt to Noble.  
 1905. Mar. 25. Estimates.  
 Apr. 21. Laurgard and Cox to Noble.  
 Apr. 27. Board of engineers to chief engineer.  
 Oct. 9. Board of engineers to chief engineer.  
 Oct. 18. Director to Secretary.  
 Nov. 8. Secretary to Director.  
 1906. Feb. 19. Board of engineers to chief engineer.  
 Mar. 23. Board of engineers to chief engineer.  
 Mar. 30. Henny to chief engineer.

## EXHIBIT E.

Statement showing, by projects, the amount expended to March 31, 1910.

State and project.	Amount.
Arizona, Salt River.....	\$8,263,284.08
Arizona-California:	
Colorado River.....	43,750.07
Yuma.....	3,719,793.77
California, Orland.....	312,880.42
Colorado:	
Grand Valley.....	70,482.97
Uncompahgre.....	4,048,927.76
Idaho:	
Minidoka.....	2,826,147.91
Payette-Boise.....	3,145,868.96
Snake River storage.....	62,836.03
Kansas, Garden City.....	378,336.06
Montana:	
Huntley.....	918,235.81
Milk River.....	452,995.89
St. Mary.....	262,304.20
Sun River.....	588,801.33
Montana-North Dakota, Lower Yellowstone.....	2,891,962.08
Nehraska-Wyoming, North Platte.....	4,517,800.06
Nevada, Truckee-Carson.....	4,047,764.89
New Mexico:	
Carlsbad.....	692,209.97
Hondo.....	344,224.25
Leasburg.....	191,132.99
878 New Mexico-Texas:	
Rio Grande.....	67,276.57
Rio Grande dam appropriation.....	185,258.55
North Dakota:	
Bulford-Trenton.....	276,794.39
Williston.....	521,237.53
Oklahoma, Cimarron.....	8,862.19
Oregon:	
Central Oregon.....	39,690.22
Umatilla.....	1,200,387.20
Oregon-California, Klamath.....	1,873,613.95
South Dakota, Belle Fourche.....	2,272,651.86
Utah, Strawberry Valley.....	867,177.84
Washington:	
Okanogan.....	536,918.13
Yakima.....	3,163,685.50
Wyoming, Shoshone.....	3,367,864.83
Secondary projects.....	587,472.75
Town-site development.....	10,634.96
General expenses (charged to projects above monthly).....	36,991.83
Indian projects (repayable from Indian appropriation acts):	
Montana—	
Blackfeet.....	40,393.32
Flathead.....	51,029.85
Fort Peck.....	10,451.13
Total expenditures.....	52,888,132.11
Less amount of cash repayments.....	767,564.96
Actual net investment of the United States.....	52,120,567.15

## EXHIBIT F.

(See p. 11 of letter of May, 1910.)

## ADDITIONAL STATEMENTS SUBMITTED BY THE SECRETARY OF THE INTERIOR.

## FUNDS NEEDED FOR CONTINUATION OF RECLAMATION WORK, FEBRUARY 1, 1910.

The following details related to the figures sent to the Department of the Interior by Reclamation Service letter of December 30, 1909:

State.	Project.	Approved portion. <sup>a</sup>	Extensions. <sup>b</sup>
Arizona.....	Salt River.....	\$395,000	\$275,000
Arizona-California.....	Yuma.....	1,290,000	
California.....	Orland.....	20,000	750,000
Colorado.....	Grand Valley.....	2,637,000	
Do.....	Uncompahgre.....	2,545,000	
Idaho.....	Minidoka.....	550,000	5,500,000
Do.....	Payette-Boise.....	2,337,000	10,000,000
Montana.....	Milk River.....	1,857,000	4,000,000
Do.....	Huntley.....	80,000	
Do.....	Sun River.....	108,000	7,500,000
Montana-North Dakota.....	Lower Yellowstone.....	338,000	
Nebraska-Wyoming.....	North Platte.....	1,100,000	6,000,000
Nevada.....	Truckee-Carson.....	182,000	2,000,000
New Mexico-Texas.....	Rio Grande.....	8,790,000	
North Dakota.....	Williston-Buford.....	93,000	261,000
Oregon-California.....	Klamath.....	1,397,000	3,000,000
Oregon.....	Umatilla.....	50,000	2,500,000
South Dakota.....	Bellefourche.....	890,000	
Utah.....	Strawberry Valley.....	1,033,000	
Washington.....	Yakima.....	1,424,000	14,000,000
Wyoming.....	Shoshone.....	2,922,000	
Total.....		30,138,000	55,788,000

<sup>a</sup> The figures headed "Approved portion" are the amounts which should be added to the expenditures made to 1909, plus the allotments for 1910.

<sup>b</sup> Approximate amounts.

<sup>c</sup> South side only, and not including Jackson Lake storage.

<sup>d</sup> Including Kittitas and Benton units.

4879

## ARIZONA.

*Salt River project.*—Approved portion, \$395,000, to complete water supply to an area of approximately 150,000 acres. This amount is expected to cover the completion of the Roosevelt dam and the power plant. It is to be noted that the balance of purchase price for the Consolidated Canal, \$137,000, is expected to be covered by the returns from the project.

Extension, \$275,000. This contemplates enlargement of the Arizona Canal and of the distribution system. In addition to this extension there are a number of items which have not been specifically considered, as it was anticipated that work could not be begun upon them in the near future, or until various adjustments of existing rights or claims had been reached.

## ARIZONA-CALIFORNIA.

*Yuma project.*—Approved portion, \$1,290,000, to complete irrigation of 90,000 acres. This covers the cost of the main canal from a point below Laguna dam and the siphon under the Colorado River; also the main canal on the Arizona side from Laguna dam to Gila River. The supervising engineer calls attention to the fact that the extension to the mesa lands, embracing 50,000 acres, will cost, for the canals and laterals, \$600,000; for pumping plant, \$500,000. This additional amount of \$1,100,000 is not noted in letter of December 30, 1909.

There have also been under consideration at various times during recent years requests from citizens of California to enlarge the main canal from Laguna dam so that it may furnish water to the Imperial Valley. Examinations have progressed to a point where it is apparent that the cost of such a canal will necessitate the expenditure of several millions of dollars, but it is believed that, whatever the cost may be, the productive capacity of the valley will justify assuming this.

## CALIFORNIA.

*Orland project.*—Approved portion, \$20,000. It is expected to complete the work in hand for the irrigation of 14,000 acres, this covering the installing of pumps, if the conditions prove favorable.

Extensions, \$750,000. These contemplate the systematic extension of reservoirs in the Stony Creek basin, or taking one or more of several alternative sites at Stony Gorge, Briscoe, Millsite, or Stony Ford.

In addition, the supervising engineer has called attention to the fact that after adopting one of the various alternatives it is still possible and desirable to take up the others, involving future expenditure of approximately \$2,250,000, providing for increase of 60,000 acres. This would build dams at the points above noted and provide a distributing system. The lands tributary are all high grade and favorably located. The building of the dam at Stony Gorge and necessary extension of the distributing system are recommended for first consideration, the cost of the work being approximately \$1,500,000 (this being included in the above estimate of \$2,250,000), and the area 30,000 acres. The other parts can be successively added as required.

## COLORADO.

*Grand Valley project.*—Approved portion, \$2,637,000. These estimates were taken from the preliminary figures, but the project engineer calls attention to the fact that at the time of the visit of President Taft and Secretary Ballinger to Grand Junction on September 24, 1909, instructions were issued to stop work on the old line and make examination for a higher line. The new estimates now available show that the approved portion will cost upward of \$3,600,000.

No extensions have yet been definitely taken into account.

*Uncompahgre project.*—Approved portion, \$2,545,000. This includes completing the system for an aggregate of 140,000 acres, which necessitates the enlargement and expansion of the Montrose and Delta Canal and other ditches, the building of lateral and drainage system from the South Canal, the Cedar Creek high line lateral, the West Canal and lateral system, a diversion weir in Gunnison River, the concrete lining of tunnel, and various enlargements.

No extensions are estimated upon at present, although preliminary investigations have been made of reservoir sites on Gunnison River, as it is known that in the future there will be need of stored water to provide for the proper expansion of the area.

## 4880

## IDAHO.

*Minidoka project.*—Approved portion, \$650,000. This will cover the completion of the south side pumping system, adding 30,000 acres, together with certain drainage needs.

Extension, \$6,500,000. This includes a pumping system for 100,000 acres on the north side and storage in Jackson Lake, together with drainage. The estimates for Jackson Lake storage are made on fairly accurate data, but the dam is to be built at a distance of 100 miles from a railroad, where the building season is very short and the climatic conditions exceedingly severe; consequently it would be assumed that the estimates are correct.

The estimates of cost on the north side pumping plant are based on general knowledge of the country, having in mind the cost of works in that immediate locality, and are not based on investigations of the lands in question.

*Payette-Boise project.*—Approved portion, \$2,337,000. This is intended to complete the main south side canal, Deerflat reservoir, lateral and drainage system, together with certain reservoirs on Boise River, adding approximately 60,000 acres of irrigable land.

Extension, \$10,000,000. This amount stated in very approximate terms, has in view the completion of mountain storage for the south side or Boise unit and taking up work on the north side or Payette portion. The preliminary examination shows that this latter will be very expensive, dependent largely upon unknown features, such as cost of right of way and ability to bring together the number of conflicting interests. There is involved storage in Payette Lake, a dam at Black Rock Canyon, expensive main canals, and the development of power for pumping. Various movements have been projected to leave a part of this work to private enterprise, confining the project to the south side of Boise River. Mass meetings are being held for this purpose in various towns within the area.

## MONTANA.

*Milk River project.*—Approved portion, \$1,857,000. This includes the completion of dams and flood-water canals in Milk River Valley, notably the north and south Dodson canals, Vandalia dam and canals. It also includes the continuation on a small scale of the work of bringing a necessary supplemental water supply from St. Mary River, in accordance with the terms of the proposed treaty with Great Britain.

Extensions, \$4,000,000. This includes the completion of the storage dam and portion of canal from St. Mary River to the head of Milk River, the transportation of water through Milk River in Canada back into the United States, construction of the Chain Lakes reservoir, or the use of other basins for storage and the development of what is known as the Chinook unit. The details of this work can not be satisfactorily determined upon until the limits of vested rights are known and adjustment made with the owners of a large number of irrigating ditches now in existence.

*Huntley project.*—Approved portion, \$80,000. This will finish the work now in hand for approximately 29,000 acres.

No extensions have been estimated in letter of December 30, but in a supplemental statement of January 10, 1910, from the supervising engineer, it is shown that there is needed \$73,000 to perfect details and provide maintenance and operation in 1911 and 1912.

*Sun River.*—Approved portion, \$108,000. This covers the completion of the Willow Creek dam, and incidental works on the first unit.

Extension, \$7,500,000. This contemplates main line canal, tunnels, diversion dam, and distribution system to 250,000 acres of land.

In supplemental statement of January 18, 1910, from the supervising engineer, the estimate is increased from \$7,500,000 to \$7,608,000, covering items omitted in previous estimate.

## MONTANA-NORTH DAKOTA.

*Lower Yellowstone project.*—Approved portion, \$338,000. This is intended to complete the lateral system and waste-water ditches, and install necessary pumps at various places along the principal canals.

No extensions have been estimated upon, but in letter of January 10, 1910, Mr. H. N. Savage calls attention to the fact that this amount of \$338,000 should be increased to \$578,000, to cover the items previously omitted and maintenance and operation during the next few years.

## 4881

## NEBRASKA-WYOMING.

*North Platte project.*—Approved portion, \$1,100,000, to complete irrigation of a total of 117,000 acres. This includes the completion of the Interstate Canal, through the third district, and the lateral systems and reservoirs under the Interstate Canal.

Extensions, \$6,000,000. This covers alternative projects for using the water stored by the Pathfinder dam, only about one-third of which will be required for the Interstate Canal. The principal one of these alternatives is the so-called Goshen Park area in Wyoming, to which water may be taken by the building of the Guernsey dam, and by a canal continuing largely through tunnels to Laramie River, crossing this by a siphon, or structure about 2 miles in length, and then reaching an area of approximately 100,000 acres. There have been also considered in a general way irrigation of areas along North Platte River in the vicinity of Casper and Douglas, Wyo., and the making available of the stored water by necessary legislation in order that it may be utilized by private interests.

## NEVADA.

*Truckee-Carson project.*—Approved portion, \$182,000, this being needed to complete the distribution system in two of the principal districts. All estimates are, however, dependent upon the action taken in the Lake Tahoe contract. If this lake is not available for storage, a large increase must be had to build reservoirs, notably the Alkali Flat reservoir, at an estimated cost of \$700,000.

Extensions, \$2,000,000, including in this the Lower Carson reservoir, Pyramid Lake branch, and distribution systems.

In addition, there are a number of other extensions which have been considered, but for which estimates have not been made, such as the Humboldt branch.

## NEW MEXICO-TEXAS.

*Rio Grande project.*—Approved portion, \$8,790,000. This includes construction of Engle dam, diversion dam in the valleys below, and canals and distributing system. In this connection it is to be noted that it is imperative to have available sufficient money when the foundation of the Engle dam is begun to push construction rapidly until the works have been completed to a point where the June floods will not destroy the exposed portions. The lack of sufficient funds at a critical time would result in losing thousands of dollars spent in preparing the foundations. It is, therefore, necessary to figure on a basis of a large amount of money being available in 1911, or such year as the foundations may be begun.

## NORTH DAKOTA.

*Missouri River pumping projects.*—Approved portion, \$93,000. This is estimated to cover the installation of machinery and extension of laterals, increasing the irrigable area to approximately 15,000 acres.

Extension, \$261,000, to complete main canals and laterals and to round out the present plans.

The supervising engineer presents estimates for \$1,441,000, to cover extensions to include 27,800 acres of land, based upon the assumption that after the full utilization of the first unit there will be demand for extension to the east and west bottom lands near Williston, the lower and upper bottoms at Buford, and the high-line area, and the Trenton Flats.

## OREGON.

*Umatilla project.*—Approved portion, \$50,000. This covers contingencies in the building of the irrigation and drainage works for the completion of the irrigation of a little over 20,000 acres.

Extension, \$2,500,000. This includes acquisition of reservoir site, shifting of railroad tracks, dam in Umatilla River, main canal, laterals, and drainage for approximately 35,000 acres on the west side of Umatilla River.

## OREGON-CALIFORNIA.

*Klamath project.*—Approved portion, \$1,397,000. The revision of the plans of this project is now before the department, but it is estimated that this amount will add about 40,000 acres around Tule Lake and 15,000 acres of upland.

Extension, \$3,000,000. This relates to alternative projects. The principal item is the Modoc subproject, of approximately 30,000 acres, and the marsh-land reclamation, the details of which are still to be worked out on the basis of examinations that are now in hand.

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## SOUTH DAKOTA.

*Belle Fourche project.*—Approved portion, \$890,000. This includes the completion of the Belle Fourche dam, building the 9-mile lateral, and completing the North Canal and lateral system. This completes the project as at present outlined.

## UTAH.

*Strawberry Valley project.*—Approved portion, \$1,033,000. This covers the completion of the tunnel, building of the high-line canal, and the pumping plant for lifting water from 5 feet to 15 feet from the lowlands to prevent flooding. There is also included the dam in the river at the intake of the tunnel in Strawberry Valley and the building of new canals and laterals, adapting the present works for use under the general system.

No extensions are noted, but the supervising engineer calls attention to the necessity in the future of diking around the edge of Utah Lake, reclaiming a considerable additional area by the combination of dikes and drainage pumps. The amount of \$257,000, in addition to the sum above stated, is the most recent approximation for completing all essentials.

## WASHINGTON.

*Yakima projects.*—Approved portion, \$1,424,000, estimated to complete the Tieton portion of the project and to enlarge the Sunnyside Canal, together with related incidental work, adding about 40,000 acres of irrigable land.

The extensions, \$14,000,000, are given in round numbers to include the Wapato and Kittitas areas, and provide for storage of the entire available water supply in the various lakes at the head of the river. There is also included in this approximation an amount for the lower or Benton project, which, however, has not been examined to a point where definite figures can be given. It has been assumed that, with the completion of storage on the headwaters of the river and development of a general system, it would be practicable for private capital to construct many of the details, thus reducing the necessary investment on the part of the Government.

#### WYOMING.

*Shoshone project.*—Approved portion, \$2,922,000. This includes the enlargement and extension of the present canal system to cover approximately 110,000 acres, including the Frannie subdivision and the Willwood unit.

A supplemental estimate by the supervising engineer indicates that in order to complete the high-line unit to 40,000 acres the above amount of \$2,922,000 must be increased to \$3,600,000.

#### CONDITIONS GOVERNING ESTIMATES.

In considering these estimates for work, reaching far into the future, the peculiar conditions under which the work is being done must be borne in mind. When the reclamation act of June 17, 1902, was passed, it was found necessary under the terms of the act to start work as soon as possible in 13 States and 3 Territories upon projects some of which will be enlarged and extended throughout the present and possibly the coming generation. It was necessary to show results at once, and yet in doing this not to hamper nor limit the future development and use of the natural resources.

Structures and works, the plans for which under best conditions should be studied for at least five years, were of necessity begun on the best information available, which, to say the least, was scanty. The public clamor and the executive orders would not tolerate delay for full and complete borings of foundations, preparation and comparison of alternative plans, etc.

The most that could be done was to outline in a broad way the character of future development, make plans sufficiently elastic to permit of modification to suit exigencies as they arose, and to push forward the construction energetically and economically. This was of necessity carried on in a region where transportation facilities were lacking or inadequate, where labor was expensive, where most of the physical conditions of rock and subsurface structure were little known, where the water supply was precarious, and where structures of the character built were rare. It was pioneer work on a large scale.

It was early appreciated that under these circumstances estimates must be of the most general nature. The reclamation act wisely anticipated this condition by providing that the official estimates made by the Secretary as to the charges per acre upon the reclaimed lands should be announced after the contracts had been let. It was appreciated that, with the many unknown conditions, the wisest and most experienced engineers could not prepare reliable estimates in the brief time allotted for preliminary examination and survey.

The examination was therefore followed by outlining in a general way the project and its probable extensions. The Secretary of the Interior approved the general plan and set aside certain funds to cover the early construction features. As the work became systematized and still larger appreciation was had of the changes which must be made to meet the exigencies, the custom was adopted of making estimates for future expenditure on the basis of quarterly statements, showing the work performed and the need of funds for the ensuing three months. This permitted readjustments at short intervals, to meet the exigencies, such as those resulting from limitations imposed by conditions of flood, difficult foundations, discoveries in tunneling, acquisition of vested rights or failure to acquire these, and a multitude of physical and legal complications which arose.

#### APPROVED PORTION.

In the letter of December 30, 1909, above referred to, the estimates have been somewhat arbitrarily divided into two columns, the first of which is called "Approved portion." This includes those items of a project which have been approved in more or less general form by the Secretary or which are a necessary outgrowth of the approval of the project. As a whole, no hard and fast line can be drawn in the matter, because of the fact that in the evolution of these projects and the large volume of correspondence regarding general plans and details there is a direct or implied approval of many items which subsequently may be proper subject for reconsideration.



## EXTENSIONS.

Under the heading of "Extensions" are somewhat arbitrarily included those items of a project which are still subject to study and consideration of alternative plans involving the satisfactory determination of many questions with difficult physical, legal, and engineering problems. There are thus involved in these extensions a large number of matters for future discussion.

## COST OF COMPLETION.

Many of the large reclamation projects are growing or expanding collections of units comparable to the water supply or transportation system of a city. As population and land values increase, greater economy of water becomes feasible. In one sense a large project will never be completed, as there are always additions to be made, and as it spreads there is a constantly widening circle of opportunities and demands for extensions.

On most of the irrigation systems already begun there are lands slightly beyond the reach of the main ditches or above them and which ultimately may be reached by pumping. There are also lands now practically valueless which, under changed conditions, will be drained or washed free from alkali and brought under irrigation. In order to give accurate figures of cost of completion, it is necessary to limit or define what is meant by completion. This can be done most satisfactorily by limiting or defining the precise area which may be watered. When such an area is selected, then it is possible to state in general terms what will be the cost of completing the system to a point where this particular area will be watered. The system will not be considered as complete when these particular tracts are watered, as there usually remain other tracts for which demands for water will be made immediately upon the completion of the designated portion of the system. In any figures of cost of completion, therefore, it is necessary to make assumptions as to what areas are to be covered in order to complete that portion of the system which will irrigate these areas.

Costs of labor and material are changing rapidly. Estimates made with great care in the years from 1903 to 1905 were found to be inadequate in 1907, not because skill and experience were not displayed, but because the entire industrial conditions had changed in such manner that no man, however well informed, could have predicted them. While it is hoped that there will be no similar change, yet the experience of the past leads every engineer to be cautious in making assertions as to the future costs.

There is also in hydraulic construction a larger element of uncertainty than in other kind of work. In railroad building, or in the erection of large buildings, etc., there are certain standards to be followed; the work is more or less a repetition of what has gone on before. In hydraulic work in new countries each problem may be unique.

The character of foundations can seldom be ascertained satisfactorily in advance 4884 without great expenditure of time and money. There is also always uncertainty as to floods or extraordinary natural phenomena which affect hydraulic work more materially than other forms of construction. In one case, for example, there were eleven floods in immediate succession, occurring at times when from previous experience extending over many years there was no reason to expect such floods. The destructive effect of these, one following another as rapidly as the damage of each one could be repaired, added very greatly to the actual costs over those carefully estimated in advance.

In the evolution of the projects there has also been a radical change from the original policy or conception. At the outset certain assumptions were made in outlining large projects. Certain portions were then entered upon, leaving for the future the determination as to the ultimate limits. The general attitude toward these large projects is perhaps best shown by the speeches on the floor of the House of Representatives at the time the reclamation act was passed. For example, Mr. Mondell stated:

"The main-line canals having been constructed by the Government, the entryman or landowner would proceed to the construction of such laterals as were necessary," etc.

Mr. Jones, of Washington, stated:

"Out of this fund the National Government proceeds to construct and maintain the irrigation works provided for in the bill, which are simply reservoirs and main-line canals."

In taking up the larger projects, it was assumed that many of the smaller but expensive details, such as laterals, drains, etc., would be provided by the settler. But as time went on it was found necessary to include more and more of these, and the annual allotments of the reclamation fund were made with a view to meeting the progressive development of the area, rather than with a view to the completion of any particular project.

DEPARTMENT OF THE INTERIOR,  
UNITED STATES GEOLOGICAL SURVEY,  
OFFICE OF THE DIRECTOR,  
Washington, May 24, 1910.

HON. KNUTE NELSON,

Chairman Committee to Investigate Interior Department and Forest Service,  
United States Senate.

SIR: In response to the oral request of the committee for such information as may be available in the files of the Geological Survey upon soils or other factors affecting agricultural conditions within the areas of the United States reclamation projects, I have the honor to transmit herewith such information as I have, in the form of quotations or comments, with reference to the publication or the manuscript in which this information is to be found. The Geological Survey does not deal primarily with soils, but discusses them only occasionally and incidentally, usually in their geologic aspect as derivatives of certain rock formations, or in the Water-Supply Papers, from the point of view of their content of alkalies as affecting the ground waters which percolate through them. The Bureau of Soils of the United States Department of Agriculture deals especially with this problem, and has issued the results of its investigations in a series of reports covering many important areas in the West and South, including among them all or a part of the lands involved in many of the reclamation projects. I shall append at the end of this letter a list of these reports.

*Belle Fourche project, South Dakota.*—The soils of a part of the area which it is proposed to irrigate in the Belle Fourche project, South Dakota, are treated from the point of view of the geologist in Folio No. 164, pages 51 and 52. I quote from the folio:

"In almost all the wide valleys of the region there are alluvial deposits which are generally very fertile. The widest areas of such soils are in the valley of Indian Creek in the east-central portion of the quadrangle along Belle Fourche River, below the town of Belle Fourche, and along portions of the valleys of Spearfish, Owl, White-wood, False Bottom, and Redwater creeks. When a dam and canals now in course of construction by the United States Reclamation Service are completed, a wide area of alluvial lands in the east-central portion of the area will be irrigated. \* \* \* The alluvial soils vary somewhat in composition from predominantly sandy to predominantly clayey, but in greater part they consist of loam well suited for tillage. The soils in the Redwater Valley are mostly alluvial, but on the slopes along the outcrops of the red beds the soil is in the main thin and nearly barren."

*Sun River project, Montana.*—There are no direct statements as to soil conditions under this project in any publication of the Geological Survey, but in Water-Supply Paper No. 221, page 80 et seq., agricultural conditions and crops are briefly reviewed and climatic data are given. I quote as follows:

"Throughout the lower plains portion of the Great Falls region the aridity of the climate renders tillage without irrigation impracticable, but in the plateau region bordering Little Belt and Highwood Mountains dry farming is extensively practiced far up the slopes of these ranges. The cultivated portions of the area examined comprise a relatively small part of the entire district, the remainder being utilized for pasturage of cattle, an important industry of the region, to which the upland areas are well adapted. Among the chief agricultural products are wheat, oats, barley, spelt, flax, alfalfa, hay, potatoes, and a variety of garden vegetables. \* \* \* The main crop is wheat, which has a yield varying from 20 to 40 bushels per acre. Both winter and spring wheat are raised, but the preference seems to be for winter wheat at present. Oats have a large yield, ranging from 35 to 45 bushels per acre, and the yield of potatoes and other vegetables is unusually large. \* \* \* Fruit raising is a growing industry and many young and well-kept orchards are to be found throughout the district. Currants, gooseberries, and strawberries are among the important fruits. The seasons are ordinarily of sufficient length to insure the maturity of all cultivated crops except on the higher slopes bordering the inclosing mountain ranges, where the time between killing frosts is short. \* \* \* The temperature records of this general region present a very wide range between extremes, a feature which is apt to cause an erroneous impression. Though the annual range is probably as large as in any part of the United States, the periods of low temperature are of short duration and are generally attended by a calm, dry atmosphere. Under these conditions the low winter temperatures are not so severe on life in general as much higher temperatures would be under less favorable conditions. \* \* \* The summer temperatures, although high, are not so oppressive as an equivalent temperature in low altitudes. The summer days are long and often very hot, but as evening approaches the air cools rapidly by radiation and the nights are cool and comfortable."

*Payette-Boise, Minidoka, and Dubois projects, Idaho.*—Bulletin No. 199, which is a report upon the water resources of the Snake River plains of Idaho, prepared before the organization of the Reclamation Service, contains general statements as to soil conditions on these plains which apply in part to the three southern Idaho projects:

"Although the soil of Snake River plains has well-marked variations, it may be said that in general and in fact almost everywhere it is fertile and needs but the requisite moisture to enable it to produce a strong growth of either native or cultivated plants. So generally is the condition of the soil favorable to agriculture that it is easier to designate the exceptions than to describe the favored localities. About the border of the plains the material washed down by streams from the mountains is in numerous localities a coarse gravel, but, although requiring much water, when irrigated such land is not infertile. \* \* \* In general, however, the soil of the plains is a fine, yellowish-white, silt-like material, largely a dust deposit, which mantles the surface not only on level tracts but covers hills and broad depressions alike. This material is similar to the celebrated loess of China, except that it usually occurs as a comparatively thin layer, and resembles also the deposit bearing the same name in the Mississippi Valley. Like each of these formations, it is of special fertility if properly irrigated."

*Ledbetter project, Washington.*—The general area in central Washington, of which the Ledbetter project is a part, is discussed in a broad way in Water-Supply Paper No. 118. The soils of the lowlands along the Columbia River were not given particular attention by the author of this document, but the famous wheat lands of central Washington, derived in part by wind action from the lowlands, are discussed and chemical analyses given. Their remarkable productivity is recognized and this is attributed in part to their origin. I quote as follows:

"The thickness of the wheat soils, as shown by well records, varies according to location from 50 feet to a minimum averaging something like 25 feet, that mantle completely most of the broad plateau surface and the gentle slopes and often conceal the bed rock in the smaller gullies for many miles.

"The physical properties of the wheat soils are highly characteristic and remarkably uniform. In texture they are fine loams, very light, open, and friable. Their prevailing color is a light tawny brown, varying according to the amount of organic matter present. \* \* \* When exposed in vertical sections the \* \* \* soil is seen to preserve its surface characters with remarkable constancy down to the solid basalt beneath."

Some additional statements about soil conditions within certain parts of the area proposed to be covered by this project are contained in the manuscript of a report on file in this office, but not yet published. It is entitled "Geology and water resources of a portion of southeastern Washington." The writer, in discussing the northern part of the region lying along the Columbia River between Pasco and Priest Rapids, says:

"The eastern portion of this part of the plains region between Rattlesnake Mountain and Columbia River is a nearly level sagebrush covered area. \* \* \* Near the river a part of the land is covered with cobbles and river gravel, which render it too stony to be cultivable, though a great part of the river section is overlain by a loose sandy soil. Westward this soil is finer in texture, and grades into the soil along the base of Rattlesnake Mountain and near the mouth of the canyon of Cold Creek."

In another part of this report the author says of the area lying only a few miles east of the Columbia in the vicinity of Pasco:

"Portions of the plateau east of the Columbia are rocky and untillable, but most of the portion lying only a few miles east of the river is covered with the Ellensburg deposits. These form a soil that is fine grained, light, and easily tilled, and yields well when the rainfall is sufficient. Though no analysis of it is at hand, it is known to be a limy soil, as nodules of lime carbonate are scattered over the surface."

*Sunnyside project, Washington.*—In an unpublished report now in the files of the Geological Survey, occurs the following general statement as to climatic conditions in the region of the Sunnyside project:

"Although this area is mostly north of the forty-sixth parallel of latitude, the climate is not severe, for the valley lands are less than 1,200 feet in elevation and are protected \* \* \* by ridges that separate them. \* \* \* Some snow falls in the lower portions, but it usually remains only for a short time, so that the weather is open throughout nearly the whole year. Although frosts may be expected early in the fall and late in the spring, it is seldom so severe as to be injurious to crops."

In another portion of this manuscript soil conditions within the area of the Sunnyside project are discussed in the following terms:

"Most of this valley is covered by the Ellensburg formation of gravel, sand, or silt, which is overlain in part by alluvium washed down from the higher slopes.  
4888 From the Ellensburg sediments in this later alluvium a fertile soil has been formed. \* \* \* Between Sunnyside and Mabton the land, while cultivable,

is more uneven and in places more sandy than that which is under irrigation. \* \* \* On the south side of the river between Mabton and Prosser the soil covering is thinner than in the Sunnyside region and in parts of it basalt covers the surface so that all the lowland in this vicinity is not suitable for tillage.

"In 1901 a soil survey of the Yakima and Sunnyside areas was made by the United States Department of Agriculture, and the classes of soil and their alkaline contents were determined and mapped.<sup>a</sup> Four classes of soil are recognized in the Sunnyside area, which are called, respectively, Yakima sandy loam, Sunnyside sand, meadow, and Yakima stony loam. The first class is a fine gray sandy loam that is derived from the sediments of the Ellensburg formation. It covers by far the greater part of the Sunnyside area and is the most important class of soil, both in its extent and adaptability to farming, for its light friable nature renders it easy to cultivate, and its fertility makes it suitable for all crops that can be grown in this climate. There is a large area south of Sunnyside that is covered with loose medium-grained sand. At and west of Sunnyside, near Granger, and in a number of other smaller areas this also forms the surface covering. This soil, which is called the Sunnyside sand, appears to be mainly a wind-borne deposit laid down upon the Ellensburg sediments, and in the uncultivated portions it is still being drifted into low ridges and sand dunes. Owing to its more uneven surface this land requires more labor to level and prepare for crops than do the loam areas. When first cleared and before crops obtain a good rooting it is subject to drifting by strong winds; but it is easily worked, is in most parts well drained, and is well adapted to the usual crops of vegetables, berries, alfalfa, and orchard fruits. That classed as meadow land is limited to two narrow areas along the northern bank of Yakima River. One is in Parker bottom, above Zillah, the other is between Satus and Mabton. In Parker bottom this soil consists of a sandy loam composed of river silt, together with considerable organic matter, that has been deposited along a sluggish portion of the stream. The Satus-Mabton meadow area also consists of a loamy soil, from 4 to 8 feet deep, and forms an area that is used mainly as pasture land. On the slopes across the river from Prosser the Ellensburg sediments have been removed to such an extent that the underlying basalt is exposed over many small areas, and cobbles and boulders of the rock are scattered over the surface so thickly that parts of the land are untillable. It is in this locality that the soil is classed as Yakima stony loam."

#### ALKALINE CONDITIONS.

The alkali determinations of this soil survey showed that there were few places in the area in which alkali was present in serious amount. At the time of the survey (1901) the only areas of note where there were surface accumulations of alkali were in the central and eastern part of T. 9 N., R. 22 E., and a small area just west of Sunnyside, at the foot of Snipes Mountain. Underlying the lowlands, however, notable percentages of alkali were found which consisted mainly of sulphates; but it was not considered that the concentration would become troublesome if proper drainage were provided for. But since this examination was made irrigation has produced serious trouble in the development of alkaline and swampy conditions in some of the lower portions. This trouble has been caused by saturation of the ground through over-irrigation and by seepage from canals, for nearly all the canals and laterals are of earthen ditch construction. This rise of alkali must be overcome by drainage canals, and in 1907 work was undertaken on such a canal southward to the Yakima River.

*Tieton project, Washington.*—Agricultural and climatic conditions in the vicinity of North Yakima are briefly discussed in Water Supply Paper No. 55, issued in 1901, two years before the passage of the reclamation act. In this report I stated the conditions as follows:

"The summers are hot and dry, and, with the high percentage of bright, clear days, are very favorable to agriculture. In the lower valleys the winters are short, and very cold weather is uncommon. The mean annual temperature in the vicinity of North Yakima is about 50° F. An excellent index of the varying climate of the region is afforded by the native vegetation. Along the rivers and streams only a few trees are found, the cottonwood being abundant on the east bank of the Yakima near North Yakima, but the rest of the lower valleys and even the ridges in the central and western portions of the area described are treeless and of desolate appearance. Sagebrush and associated desert shrubs grow wherever the land is in the primeval state, and the nutritious bunch grass is plentiful on the ridges, except where

<sup>a</sup> Jensen, C. A., and Olshausen, B. A., Soil survey of the Yakima area, Washington: Report on field operations for 1901, United States Department of Agriculture, Bureau of Soils, 1902.

extensive grazing has destroyed it. \* \* \* Analyses of soils from Atanum and Wenas valleys show that it is rich in potash, magnesia, lime, and phosphoric and sulphuric acids, constituents which are essential to plant life. The fine texture of the soil is a characteristic doubtless even more important than its chemical composition, and it not only facilitates cultivation, but renders soluble and available a greater percentage of the mineral matter. The aridity of the climate also, doubtless, has had a beneficial effect in that the soil has not lost its most valuable constituent by the leaching of subsurface waters. \* \* \*

"The crops that are cultivated in this district are many and varied. In the irrigated portion hay is raised which commands a higher price in the Puget Sound markets than that from any other locality. Alfalfa, clover, and timothy are the forage plants commonly grown. Of the grains, wheat and oats are the most important. Potatoes, sweet corn, and other garden vegetables grow well in the Yakima valleys, and are readily marketed in the Sound cities. Of orchard fruits, apples, peaches, prunes, pears, cherries, and apricots grow to the highest perfection, and the fruit industry may be considered only partially developed, although its success is assured. All of the small fruits grow equally well. This region has also long been famous for the excellent quality of its hops, which crop continues to be an important one. Sorghum is raised to some extent, and as the agricultural possibilities are gradually developed doubtless the culture of many other crops will be found to be profitable."

*Kittitas project, Washington.*—Soils in the vicinity of Ellensburg, Wash., within the area of the Tieton project, are discussed by me in Folio No. 86 in the following terms:

"The agricultural land of the Ellensburg quadrangle is largely confined to the areas of alluvium. Except in narrow strips along the stream courses, it is fine and makes a fertile soil. Soil analyses show an abundance of the constituents essential to plant life. The fine texture of the soil is a characteristic doubtless even more important than its chemical composition, for it not only facilitates cultivation but renders soluble and available a greater percentage of the mineral matter. The aridity of the climate has also, doubtless, had a beneficial effect in that the soil has not lost its most valuable constituent by leaching. In this connection, it is necessary to mention the excessive irrigation which has already injured certain portions of the lower valleys in this region. Not only does the constant presence of water result in leaching out some of the more soluble of the valuable soil elements, but in the lower levels the action of this water is to bring to the surface certain salts that are injurious to vegetation."

*Salt River project, Arizona.*—The Geological Survey has prepared a report on the underground waters of the Salt River Valley (Water Supply Paper No. 136), but a general discussion of the soils and alkalies was not included in this report because soil problems were under special investigation in the area by Prof. R. H. Forbes, director and chemist of the Agricultural Experiment Station of Arizona, who was cooperating with the Reclamation Service to this end. Some attention, however, was paid to the occurrence of caliche, a substance which affects the availability of many of the soils in the valleys of the Southwest for agricultural purposes because it occurs as a hardpan at varying distances beneath the surface, affecting by its impenetrability the capacity of the plants to send their roots to sufficient depth to absorb moisture and fertility from the soil. I quote as follows:

"In southern Arizona and in Mexico the word caliche is in general used to denote a calcareous formation of considerable thickness and volume found a few inches or a few feet beneath the surface soil upon the broad, dry, gravelly plains and mesas. \* \* \* It is usually hidden from view by a slight covering of soil but is easily found by digging and is often revealed by a flow of water during heavy rains. It is practically a continuous sheet from 3 to 15 feet thick of ordinary limestone or travertine through which the smaller plant roots find their way with difficulty. \* \* \* A sand or gravel bed cemented with this material often becomes impervious to water. The confining strata above the water in nearly all the wells of Salt River Valley where water is found under pressure contain more or less caliche in the form of a cementing material."

*Rio Grande project, Texas.*—A brief statement as to soils of the Rio Grande Valley in the neighborhood of El Paso is to be found in Folio No. 166, issued by the United States Geological Survey.

"The flood plain of the Rio Grande Valley enriched by additions of alluvium deposited by the annual floods is very fertile. Practically no trouble is caused by alkalies and a variety of crops including garden produce, alfalfa, and different fruits are successfully grown. The soils of Hueco Bolson are derived from the disintegration of highlands and are also fertile, but there is little chance of economically obtaining sufficient water for irrigating considerable areas. Bunch grass thrives, however, and with wells at convenient intervals the mesa is a valuable cattle range."

4890 In addition to the foregoing material culled from the publications or the files of the United States Geological Survey, I have added below for the information of the committee a list of special soil publications issued by the Bureau of Soils of the Department of Agriculture and dealing with soil conditions within certain reclamation projects, as indicated.

**LIST OF SOIL SURVEYS MADE BY THE BUREAU OF SOILS, UNITED STATES DEPARTMENT OF AGRICULTURE, UPON LAND INCLUDED IN UNITED STATES RECLAMATION SERVICE PROJECTS.**

*Reclamation project.*

*Soil survey report.*

Williston, N. Dak.....	Williston area (part of Williams County), 1906. Western North Dakota, 1908.
Nesson, N. Dak.....	Western North Dakota, 1908.
Buford-Trenton and lower Yellowstone — the portions that lie in North Dakota.....	Western North Dakota, 1908.
Belle Fourche, S. Dak.....	Belle Fourche area (parts of Butte and Meade counties), 1907.
Garden City, Kans.....	Garden City area (parts of Finney and Gray counties), 1904.
Carlsbad, N. Mex.....	Pecos Valley (parts of Eddy and Chaves counties), 1899.
Grand River, Colo. (in part)...	Grand Junction area (part of Mesa County).
Tieton and Sunnyside, Wash. (in part).....	Yakima area (part of Yakima County), 1901.
Klamath, Oreg., and Cal. ....	Klamath Falls area (parts of Klamath County, Oreg., and Modoc and Siskiyou counties, Cal.), 1908.
Payette-Boise, Idaho (in part).....	Boise area (parts of Ada and Canyon counties), 1901.
Minidoka, Idaho.....	Minidoka area (parts of Lincoln and Cassia counties), 1907.
Orland, Cal.....	Colusa area (part of Glenn, Colusa, Tehama, and Butte counties), 1907.
Salt River, Ariz. (in part).....	Salt River Valley (part of Maricopa County), 1900.
Yuma, Ariz. and Cal.....	Yuma area (parts of Yuma County, Ariz., and San Diego County, Cal.), 1904.

Very respectfully,

GEO. OTIS SMITH, *Director.*

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[Section 3 of act of May 14, 1880.]

- 1685 SEC. 3. That any settler who has settled, or who shall hereafter settle, on any of the public lands of the United States, whether surveyed or unsurveyed, with the intention of claiming the same under the homestead laws, shall be allowed the same time to file his homestead application and perfect his original entry in the United States Land Office, as is now allowed to settlers under the preemption laws to put their claims on record, and his right shall relate back to the date of settlement the same as if he settled under the preemption laws.
- 1686 Approved, May 14, 1880 (21 Stat., 140).

1686

**DESERT LANDS.**

[AN ACT To provide for the sale of desert lands in certain States and Territories.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall be lawful for any citizen of the United States, or any person of requisite age who may be entitled to become a citizen, and who has filed his declaration to become such, and upon payment of twenty-five cents per acre, to file a declaration, under oath, with the register and the receiver of the land district in which any desert land is situated, that he intends to reclaim a tract of desert land, not exceeding one section, by conducting water upon the same within the period of three years thereafter: *Provided, however,* That the right to the use of water by the person so conducting the same on or to any tract of desert land of six hundred and forty acres shall depend upon bona fide prior appropriation; and such

right shall not exceed the amount of water actually appropriated and necessarily used for the purpose of irrigation and reclamation; and all surplus water over and above such actual appropriation and use, together with the water of all lakes, rivers, and other sources of water supply upon the public lands, and not navigable, shall remain and be held free for the appropriation and use of the public for irrigation, mining, and manufacturing purposes subject to existing rights. Said declaration shall describe particularly said section of land if surveyed, and if unsurveyed shall describe the same as nearly as possible without a survey. At any time within the period of three years after filing said declaration, upon making satisfactory proof to the register and receiver of the reclamation of said tract of land in the manner aforesaid, and upon the payment to the receiver of the additional sum of one dollar per acre for a tract of land not exceeding six hundred and forty acres to any one person, a patent for the same shall be issued to him: *Provided*, That no person shall be permitted to enter more than one tract of land, and not to exceed six hundred and forty acres, which shall be in compact form.

\* \* \* Approved, March 3, 1877 (19 Stat., 377).

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**Conduct of Chicago Office of Reclamation Service by E. T. Perkins.**

4154

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
877 Federal Building, Chicago, February 14, 1908.

The DIRECTOR U. S. RECLAMATION SERVICE,  
Washington, D. C.

SIR: In reply please refer to File 11-A2.

In accordance with your personal direction, I have been delivering various lectures in Chicago and the immediate vicinity, on the subject of the Reclamation Service. At the present time I am lecturing every Friday evening under the auspices of the Chicago Daily News; on the 19th of this month I will lecture at Ames and Des Moines, Iowa; on March 2 I am to speak to one of the men's clubs of the city.

While doing this work I have had several requests from various organizations which were willing to pay for my services while lecturing on this subject or similar subjects.

For some time I have had in mind preparing a series of illustrated lectures dealing with the resources of this country and their conservation. This series of lectures would probably deal with the work of the Reclamation Service, the Forestry Service, the Agricultural Department, the Army and Navy, and of the country at large; the series to be called "Our own country." I spoke of this matter to the Secretary, Mr. J. R. Garfield, and as presented to him, he approved of my doing this work and receiving adequate compensation. The point he impressed upon me was that it must be done in my own time, and that I must not use material which had not yet been made public by the Government.

Before taking any further steps in this matter, I would request your authorization to proceed along the lines approved of by the Secretary.

Respectfully,

E. T. PERKINS, *Engineer in charge.*

1984

FHN-JCW]

FEBRUARY 24, 1908.

Mr. E. T. PERKINS,  
777 Federal Building, Chicago, Ill.

DEAR SIR: Your letter of February 14 has been received, File 11-A2, with reference to lectures in Chicago and vicinity. I am very glad you brought this matter to the

attention of Mr. Garfield, and approve your taking up the work, subject to the conditions he stated, namely, that of doing it on your own time, and not using material which has not yet been made public.

It is, of course, unnecessary to call your attention to the fact that in giving time to this matter it should not be at a sacrifice of the daily routine essential in your office.

Very truly, yours,

F. H. NEWELL, *Director.*

4694

[Subject: Management of course of lectures for Mr. Perkins.]

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
777 FEDERAL BUILDING,  
Chicago, June 1, 1908.

The DIRECTOR U. S. RECLAMATION SERVICE,  
Washington, D. C.

Sir: In reply please refer to file P-61.

This letter is written for the purpose of reminding you that, in counsel with Mr. McGee and Mr. Pinchot, you are going to endeavor to have one of the lyceum bureaus handle my lectures for the coming winter. I would suggest that as early action as possible be taken on this matter.

The principal bureaus of Chicago are: The Chicago Lyceum Bureau, 705 Orchestra Bldg. (C. E. Bentley, Mgr.); Redpath Chataqua System, Cable Bldg. (Keith Vawter, Mgr.); The Slayton Lyceum Bureau, Steinway Hall, (H. L. Slayton, Pres.); Central Lyceum Bureau of Chicago (Fred Pelham, Mgr.).

Respectfully,

E. T. PERKINS, *Engineer in Charge.*

JUNE 8, 1908.

Mr. E. T. PERKINS,  
777 Federal Building, Chicago, Ill.

DEAR SIR: Your letter of June 1, File P-61, has been received, with reference to lyceum bureaus. I have discussed the matter quite fully with Mr. McGee and Mr. Pinchot, and it is their opinion that if they take a hand in the matter it should be in response to requests from these bureaus as to the desirability of the work and your ability to handle it.

In other words, they do not think it wise to initiate the matter in writing letters, as it would give the appearance that they were urging the matter upon the lyceum bureaus. If, however, requests come from these bureaus it will then enable them to give a reply which will be far more effective than would be the same statements put in the form of a direct recommendation.

If, therefore, you desire to take up these lectures, it seems to be necessary to initiate the matter from some outside source, so that the requests will come to us in such a way that we can make a direct statement.

I have been giving the matter considerable thought and I am not wholly clear in my mind as to the desirability of your going very fully into this matter. You are initiating a very difficult piece of work in the purchasing and handling of supplies and I am very dubious as to whether this can be carried on well in your absence. The lecture business, as I know by personal experience, is rather hard, and although it appears to be simple it requires a considerable amount of time and distraction from routine. It is of the highest importance to the work of the Reclamation Service that our operations in the Chicago office be expedited in getting out the railroad claims and especially in making the purchases. I do not know of anyone in the Chicago office who can take your place effectively in handling these purchases and pushing details forward, so that it does not seem to be wise for you to be away from Chicago for any considerable length of time.

For the reasons above stated, I am somewhat lukewarm on the matter, but if questions come to me I will be very glad to make recommendations. I do not feel, however, like taking the initiative, and I find neither Mr. Pinchot nor Mr. McGee think it wise to do so.

Very truly, yours,

F. H. NEWELL, *Director.*



DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
777 FEDERAL BUILDING,  
Chicago, June 9, 1908.

The DIRECTOR U. S. RECLAMATION SERVICE,  
Washington, D. C.

SIR: In reply please refer to file P-61.

I hope that before leaving Washington you may be able to do something in conjunction with Mr. McGee and Mr. Pinchot concerning my lectures during the coming winter, in the line of having them handled by one of the lyceum bureaus, authorization for such lectures having been given me both by yourself and Mr. Garfield.

Of course you understand it is not my intention or desire to let this lecturing interfere with my other work. I only plan to give these lectures in Chicago or the vicinity when it will in no way interfere with my office duties, and will be a material help, I believe, to the Reclamation Service in the settlement of our projects.

Chicago is so situated that there are a great number of small towns within a ride of an hour or so, or at the utmost of one night. I think these lectures could be delivered with results satisfactory to myself and the service.

Respectfully,

E. T. PERKINS, *Engineer in Charge.*

2037

MARCH 27, 1909.

Mr. E. T. PERKINS, Washington, D. C.

DEAR SIR: Referring to my letter of March 6 regarding Mr. Kirksey, and our conversation, I think I should explain what I had in mind by the phrase, "It is advised that you allow Mr. Kirksey a free hand in the conduct of the purchasing section of your office." He is, of course, under your general direction as head of the Chicago office, and it is expected that you will personally see to it that his work is properly correlated to that of the other persons in the office. He should be permitted to exercise his judgment within the necessary limitations imposed by a good organization. Just what these are must be determined by the exercise of good judgment. For example, the relations between the supervising engineers and the project engineers are such that as a rule a very free hand is given to the project men to use their discretion, keeping, however, well within the limitations set by experience.

Now that you are able to be regularly at the Chicago office it is of course expected that you will take immediate and personal oversight of all of the details in the office, using discretion in adjusting the duties of the different men to obtain the best results, and that you will permit Mr. Kirksey and Mr. Dick each to work out the details along the line of their experience after consulting freely with you.

Very truly, yours,

F. H. NEWELL, *Director.*

1806

[Copy.]

MEMORANDUM REGARDING VISIT OF SECRETARY BALLINGER, THURSDAY, MAY 6, 1909.

The work of the publicity bureau in Chicago was outlined to the Secretary, and he appeared very much interested in it. He spoke of the recent visit of Mr. E. O. McCormick to his office, and of their conversation regarding the settlement of lands along the Harriman lines. The Secretary stated that his position with regard to cooperation

1807 with railroads in such work was that he would approve of such cooperation, provided that it was entered into with all of the roads jointly, but that he would not enter into any agreement looking to the exploiting of lands along any particular road; also provided that it did not involve any notable expense on the part of the service. The roads should get together in some organization or committee, with which the service could cooperate. He suggested that the Association of Commerce might, through one of its committees, get the various interests together and assist in the work.

The Secretary was informed of the efforts being made to secure the use of rooms 501-502 in the federal building, and was told of the urgent need for such additional quarters. He heartily favored the idea and made a memorandum to take the matter up with Secretary MacVeagh, of the Treasury Department, upon his return to Washington. He stated that he would push the matter of having these rooms assigned to us vigorously.

The Secretary specifically approved of the plan of giving out information about all the public lands, including nonirrigated, Indian, mineral, etc., as well as the reclamation lands. He stated, however, that the work should be confined to giving information, and that people should not be urged to take up homesteads. He approved giving out information relating to excess lands under the various projects, and suggested that we get in touch with local organizations, such as chambers of commerce, and distribute literature prepared by them.

J. C. WAITE.

3719

MAY 10, 1909.

THE SECRETARY OF THE TREASURY.

SIR: The Reclamation Service of this department has rooms in the federal building in Chicago, and the business there has outgrown the available room to such an extent that it has become urgently necessary to acquire additional office space.

It is understood that several rooms in the federal building are now occupied by persons who are not legal officers of the government, notably rooms 501-502, and it is suggested that, if practicable, these rooms be made available for the use of the Reclamation Service.

Very respectfully,

R. A. BALLINGER,  
Secretary.

1807

[Copy. Publicity. A3. G-1718.]

MAY 13, 1909.

Mr. E. O. McCORMICK,

Assistant Traffic Director, Union Pacific Company,  
Southern Pacific Company, Oregon Short Line, and O. R. & N. Co.,  
155 Adams Street, Chicago, Ill.

SIR: During a recent visit to this office of Secretary of the Interior, the Hon. Richard A. Ballinger, he informed me of your recent visit to his office in Washington, expressed his appreciation of the ideas you advanced, and instructed me to cooperate with the various railroad interests and the Chicago Association of Commerce in the settlement of lands on the various irrigation projects of the Reclamation Service.

I suggest the general plan of cooperation be as follows:

The Reclamation Service will endeavor to procure suitable rooms in the federal building, Chicago (rooms 501-502 have been applied for), and will place in charge of this work Mr. J. C. Waite, with such assistance as may be needed. (See attached letter of C. J. Blanchard, statistician, U. S. R. S.) The rooms obtained (501-502, or outside quarters if necessary) will be fully equipped with advertising matter, photographs, and colored transparencies of western scenery. One of the rooms will be equipped as a lecture room, seating 40 or 50 persons, and stereopticon with colored slides will be used, short talks being given during the noon hour, late in the afternoon, and on certain evenings. It is also intended that lectures shall be given in or near Chicago when definite arrangements have been made for an audience of prospective settlers. After the lecture as much time as is necessary will be given in answering questions and furnishing detailed information. As we are specifically forbidden to incur expenses for travel, etc., the expense of these trips must be borne by our collaborators. The other expenses which can not be borne by us are:

Advertising pamphlets concerning various projects.

Colored lantern slides, photographs, etc., which any road may wish to be used in lecturing.

Incidental printing which would take too long to do if sent to Government Printing Office.

General incidental office expenses, such as time of assistants for emergency.

Stamps for advertising material that can not be mailed under government frank.

The sum of such expenditures will be immaterial when results are considered, and should not exceed a couple of hundred dollars a month in the beginning, if rooms 501-502 are obtained. As the work develops, the expense will increase accordingly, largely depending on number of lectures delivered outside of permanent quarters.

As this idea of cooperation is your idea, advanced by you to the Secretary and approved by him to you, can not you act as the representative of our allies and arrange the amount to be contributed by the various interested parties, the same to be transmitted to me through you?

Respectfully,

Engineer in Charge.

(Inclosure.)

JUNE 2, 1909.

Mr. E. L. LOMAX,  
G. P. A., Union Pacific R. R. Co., Omaha, Nebr.

SIR: Mr. McConough, your colonization agent, has requested that I give you in detail an estimate of the expenses referred to in my letter of May 13, 1909, to Mr. E. O. McCormick, subject: "Publicity," file G1718. It will probably be best to discuss the matter by headings:

#### QUARTERS.

Application has been made for rooms 501-502 in the federal building. The Treasury Department, which has jurisdiction over the building, has offered us rooms 876-877, which would be very satisfactory, but the custodian of the building has "gone back" at the Treasury Department with the suggestion that we be given rooms 401-402 and small adjoining room now occupied by the inquiry division of the post-office, which is to move to the first floor. These are splendid rooms and most suitable for a publicity bureau. At all events, it seems most probable that we will be given good quarters in the federal building. If such quarters are not procured, outside rooms would have to be rented, which is not desirable.

#### PERSONNEL AND EQUIPMENT.

Mr. J. C. Waite will be in personal charge of this work. He will require a stenographer and one or two assistants; the salaries of Mr. Waite and his regular office force to be paid by the Reclamation Service. Room 402 will be the entrance room, which will be fitted up with chairs, tables, etc., also files of papers local to each project; shelves carrying general and special literature, and will be occupied by Mr. Waite's assistants. Room 401 will be a lecture room, seating about 50 people, and around the walls will be fruits, grains, etc., from our irrigated lands. The small room adjoining 402 will be used by Mr. Waite and his stenographer as a private office, and here is where he will "cinch" matters with the prospective settler who has been interested by his assistants. All the expenses of equipping these offices are to be borne by the Reclamation Service, as are the expenses connected with the lectures, stereopticon, slides, etc. Various colored transparencies will be exhibited in racks in front of the windows. The expense of these transparencies will also be borne by the Reclamation Service.

#### ADVERTISING.

The expenses of advertising will have to be borne by our collaborators. We will furnish pamphlets on the work in general and the laws governing homesteads and settlements. Separate pamphlets concerning each project will have to be issued by the parties interested in that particular project; for example, on the Harriman lines there are 12 projects (on which the Reclamation Service has expended twenty-eight millions—Exhibit A). Each pamphlet issued would cost probably \$500 for an edition of 40,000. (See Exhibit B, Irrigation projects of the U. S. Reclamation Service—\$750 for 40,000; Exhibit C, "Questions and Answers," \$90 for 10,000; Exhibit D, "Opening of Sun River Irrigation Project, Mont.," issued by Great Northern Ry. Co., \$657.63 for 50,000.)

Each project should probably have one pamphlet a year, so with twelve projects this would be a monthly charge of \$500. A large part of these pamphlets could be distributed by us, either in rooms 401-402 or by mail under government frank; the remainder could be distributed through your own advertising department. These pamphlets would have to be edited by our project engineers before printing.

#### LECTURES.

The most efficient means of getting desirable settlers will be stereopticon lectures in that territory of the United States within six to twelve hours' rail ride of Chicago—Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, Ohio, and western Pennsylvania. Six-tenths of the inquiries received in our Washington office are from this territory, and are referred to us for answer. Lectures can be arranged by the Chautauqua agencies, by the local station agents, farmers' granges, or, best of all, among the friends of settlers already on the irrigated lands. When we have assurances of an audience of interested hearers and prospective settlers, I would personally visit this community in company with Mr. Waite, address the audience officially as the engineer in charge Chicago office U. S. Reclamation Service, and give them an illustrated lecture on the government work in the West and the opportunities it offers to home makers. Mr. Waite would then visit these men in their homes

and give them all the detailed information and data they wanted. One lecture a week, or possibly two, when two communities may be reached by one railroad trip, would be as much as could be devoted to this work. Each lecture would probably cost \$50 in fees and expenses—\$250 or \$300 a month.

#### INCIDENTAL PRINTING.

This would include signs to be posted in all of the city ticket offices of the various railroads, in the principal wholesale houses, in the association of commerce rooms, in the stockyards district, and in the town and country stations of the various railroads traversing the country about Chicago. Also cards to be mailed telling of this government bureau of information concerning public lands. This expenditure is estimated at \$75 a month.

#### COLORING LANTERN SLIDES.

Probably 25 slides each month, at \$1 each, would keep our lectures up to date—\$25. The expense of such photographs as may be furnished us for exhibition or distribution is not included in this estimate.

#### INCIDENTALS.

Employment of assistance as needed that can not be procured through the Reclamation Service on account of civil-service rules, \$60 a month.

Stamps for advertising materials that can not be mailed under government frank, \$15 a month.

Expenses that can not be covered by government vouchers, \$25 a month.

#### *Résumé.*

Incidental printing, per month.....	\$75. 00
Colored lantern slides, per month.....	25. 00
Services.....	60. 00
Stamps, etc.....	15. 00
Expense account.....	25. 00
	<hr/>
Expenses referred to in letter to E. O. McCormick.....	200. 00
Lectures, 5 each month, at \$50 each.....	250. 00
	<hr/>
	450. 00
Also pamphlets, 1 each month, 40,000.....	500. 00
	<hr/>
	950. 00

Or, in round figures, \$1,000 a month—\$12,000 a year.

It might also be well to consider the desirability of having lecturers visit the various small expositions and county fairs—as was done last year by the representatives of the Payette-Boise Water Users' Association. Their work was as follows, on date of November 11, 1908:

#### *Distribution of literature.*

Number of state fairs visited.....	8
Number of copies, folder "Idaho Homes," distributed.....	102, 000
Number of copies, folder "Results from Farms," distributed.....	10, 000
Number of copies, folder "Official Catalogue," distributed.....	10, 000
Number of copies, folder "Fresh Pastures," distributed.....	5, 000

#### *Literature on hand.*

Folder, "Idaho Homes".....	28, 000
Folder, "Fresh Pastures".....	21, 000

#### *Replies received to date.*

By postals and letters as results of moving picture exhibit.....	5, 467
Number of names listed with lecturers in the field.....	3, 690
List of names received from Reclamation Service.....	5, 500
	<hr/>
	14, 657

1810 Their expenditures to date, from August 20, 1908, were:

Printing and advertising.....	\$1, 828. 32
Office help.....	236. 25
Stamps.....	55. 00
Express and telegrams.....	318. 14
Office expenses.....	14. 60
Traveling expense.....	73. 95
Office fixtures.....	10. 00
Tent (black tent for lecture purposes).....	348. 00
Lecture expenses, D. R. Hubbard and party.....	2, 849. 80
Omaha exhibit.....	63. 57
Unpaid bills on file.....	1, 215. 28
Total.....	7, 012. 91

An average expenditure of over \$2,500 a month—an amount that could be very materially reduced, I am sure, as it would appear that it cost over a dollar for each postal or letter of inquiry. Last week, without publicity, we had over a hundred and twenty-five callers—expense \$12. To-day as I passed through the hallway, I noticed 10 men here at that time.

Respectfully,

*Engineer in Charge.*

(Inclosures—4.)

[Copy.]

OMAHA, NEBR., June 5, 1909.

Mr. E. O. McCORMICK,  
Assistant Traffic Director, U. P. R. R.,  
135 Adams Street, Chicago, Ill.

DEAR SIR: Referring to your letter of May 20, transmitting letter from Mr. E. T. Perkins, engineer in charge of U. S. Reclamation Service, and copy of one from Mr. Blanchard, I have had the matter up personally very thoroughly with Mr. Perkins in his office in Chicago, and I am certain it is the best way to work up enthusiasm and colonize these government projects. Mr. Perkins and I have itemized the probable expenses as follows:

Incidental printing, per month.....	\$75. 00
Colored lantern slides, per month.....	25. 00
Services.....	60. 00
Stamps, etc.....	15. 00
Expense account.....	25. 00
Expenses referred to in letter to E. O. McCormick, May 13, 1909.....	200. 00
Lectures, 5 each month, at \$50 each.....	250. 00
	450. 00
Also pamphlets, 1 each month, 40,000.....	500. 00
	950. 00

or, in round figures, \$1,000 a month; \$12,000 a year.

This would not only cover the expenses of the Chicago office, but it would also cover the expenses of lectures to be delivered by Mr. Perkins personally, supplemented by his assistant, Mr. Waite, at any point within six to twelve hours of Chicago, as mentioned in his expense statement. Also it includes a pamphlet on each of the twelve projects on the Harriman lines.

In connection to this, Mr. Perkins says we can run a black tent at the different state and county fairs for three months, namely, August, September, and October, for about \$8,000. Of this amount we hope to get at least one-half back in the way of subscriptions for the water-users' associations of the projects and the settlers' association on and near the projects who will be benefited by the lectures.

1811 I have, therefore, to recommend that we take hold of this proposition at once, and I respectfully ask for an appropriation, 1909-10, as follows:

*Advertising for colonization of government projects.*

Yearly expense as itemized.....	\$12,000
Expenses "black tent" advertising for August, September, October, November, and December, 1909.....	8,000
Total.....	20,000

Yours, truly,

(Sd.) E. L. LOMAX.

[GLMcD-M. Inclosures returned. Letter from Mr. Blanchard. Letter from Mr. Perkins.]

[Copy.]

1811

PAYETTE-BOISE WATER USERS' ASSOCIATION,  
Boise, Idaho, June 10, 1909.

E. T. PERKINS,  
*Engineer in Charge, U. S. R. S., Chicago, Ill.*

DEAR SIR: In re your G-1718 to the president of the Payette-Boise Water Users' Association. Having succeeded Mr. Lowell as president, this letter was sent to me for reply.

Our equipment consisted of 1 lined black tent, 35 x 70, with walls and top all black. Our seating capacity was 350 to 400 people. Our operator furnished his own lantern. We paid our operator \$18 a week and expenses. We started out with 5 persons and ran something over a month in this way. They consisted of an exhibit manager, a lecturer, an operator, and 2 barkers, who distributed literature also. We paid our lecturer \$125 per month and expenses, our exhibit manager \$100 per month, and during the latter part of the campaign we found it more convenient and less expensive to procure our barkers in the several localities where we exhibited. We usually paid them \$2 per day. We exhibited at the state fairs of Iowa, Minnesota, Wisconsin, Kansas, Illinois, Missouri, The American Royal Live Stock Show at Kansas City, and the Texas State Fair, also at the National Corn Exposition at Omaha later.

We were to undertake this campaign again with reference to benefit to the Payette-Boise project we would give more attention to South Dakota, Nebraska, Kansas, and Oklahoma, also Colorado. We would also include Missouri and Iowa, but think it doubtful if our project would receive enough benefit from Minnesota and Wisconsin to warrant our efforts there. Minnesota has a great fair, but the officers were somewhat niggardly, and their attitude was not friendly to our exhibit, owing to the fact that they regard it as a real-estate show. Then that country is being terrifically drummed for Canada lands. There are several fairs in Kansas, Nebraska, and possibly Oklahoma, about equal to the state fairs, which I think should be included in an itinerary if the dates were properly related.

We distributed something over 100,000 pieces of our preliminary literature entitled "Idaho Homes," a copy of which I hand you herewith. We received inquiries from about 19 per cent, or about 19,000 people, to whom we sent our pamphlet entitled "Fresh Pastures." This contained a card asking for more specific information on certain subjects. We sent out several thousand bulletins from these second inquiries. A number of people have come here who say that they came as a direct result of this advertising.

There is a very strong general sentiment toward Idaho, and Mr. Newell, when here, said that a very large proportion of the inquiries coming to the Washington office seemed to prefer Idaho. Of course you know the Carey Act people have been doing a great deal of advertising, and they are entitled to considerable credit for this Idaho movement. The benefit of large fairs, such as state fairs, is that the people gather from all parts of their respective States and adjoining States, and they are usually the leading people of their communities.

The exhibit was unique and seemed to be very attractive and interesting. The fact that it was unique was the feature that made impression on visitors at the fair. They always see fruit, cereals, live stock, poultry, and machinery, and balloon ascensions, etc., at the fairs, but none of them had ever seen a moving picture exhibit of this character, so that when they returned to their homes they undoubtedly told that to their neighbors, thus disseminating the advertising all over the State.

1812 We had no exhibits of fruits, cereals, or other products, and to carry them would involve considerable inconvenience and great expense.

We are very glad to be advised that if this work is carried out the Payette-Boise project will have its full share of the advertising, for I assure you that this project can make good to all who come here to build homes.

Yours, cordially,

(Signed)

D. R. HUBBARD, *President.*

4657 Confidential.]

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
OFFICE OF THE DIRECTOR,  
Washington, D. C., June 17, 1909.

DEAR C. J.: The seventh anniversary of the reclamation act was celebrated by the issue of the accompanying clipping—authentic, but denied as such.

President Taft sent for Mr. Davis to explain that this was unauthorized, but unfortunately Mr. Davis had been told directly these same things, so that he knew (but could not tell Mr. Taft) that the statements were too true as to proposed changes, contemplated but not officially revealed.

G. P. arrived to-day and went to see Taft also, and was assured that things were O. K., but G. P. thinks that to save the service, we—you and I—should get  
4658 together as soon as possible and plan an active campaign to have every friend of the service write or call personally on Taft and impress him with the fact that the service must not be made a political machine nor its usefulness destroyed by alarming the men with threats of future changes. We must evidently keep up a hot campaign on Taft to prevent actions being taken that he would not approve if he knew about them in advance.

Now is the time to show whether the cause of effective administration has friends or whether men like Vivian are to be quietly put in. Do your very best and keep in touch with me—confidentially—as this clipping is a feeler given out in such a way that it can be disclaimed, but correct in general, embodying things that have been said again and again to Davis and others.

F. H. N.

4650

[Washington Post, June 17, 1909.]

**MAY REPLACE NEWELL—SECRETARY BALLINGER DESIRES NEW RECLAMATION HEADS—R. H. THOMSON MENTIONED—PRESENT INCUMBENT, IT IS STATED, WILL BE RETAINED AS GENERAL CONSULTING ENGINEER—A. C. CAMPBELL, OF NEW MEXICO, MAY SUPPLANT MORRIS BIEN, NOW HEAD OF LEGAL DEPARTMENT OF SERVICE.**

If Secretary of the Interior Ballinger is able to carry his point, F. H. Newell will be retired from the office of director of the United States Reclamation Service some time during the fall. He probably will be succeeded by a man now in the government service. It is said that R. H. Thomson, of Seattle, is the person Secretary Ballinger has in mind for the position. It is not known that Mr. Thomson would accept the appointment; in fact there is doubt about it, but Mr. Ballinger would like to appoint him, and it is said that the place will be offered to him as soon as a decision is reached with reference to Mr. Newell.

Mr. Newell, unless he so desires, will not sever his connection with the Reclamation Service, but will be retained as an engineer, probably a general consulting engineer.

**MAY SUPPLANT BIEN.**

It also is stated that Morris Bien, head of the legal department of the Reclamation Service, will be removed, and A. C. Campbell, of New Mexico, now a special attorney of the Court of Claims in this city, be appointed. From reliable sources it is learned that the Attorney-General has been consulted in reference to the particular fitness of Mr. Campbell, and that the special attorney received the recommendation of the chief of the Department of Justice.

In the case of Mr. Newell, it is said that efforts have been made in the past to have him replaced. About the time the change in the administration took place several western Senators were anxious to secure his removal. Secretary Ballinger, it is said, is aware that there is friction in the service and is anxious to eliminate that.

## RATES MR. NEWELL HIGHLY.

Mr. Ballinger appreciates Mr. Newell's abilities as an engineer, but is inclined to the belief that he can find a more satisfactory administrative officer. By retaining Mr. Newell as an engineer officer he can save to the Reclamation Service the valuable advice of the present director on all problems affecting construction.

Mr. Ballinger is not ready to recommend a change at present. It is said he desires more detailed information before taking a radical step. During the summer the Secretary will visit personally a number of government irrigation projects, especially those that have given rise to trouble. He probably will accompany the President on his trip West. He desires, it is said, to interest the President in the matter and have him sanction any change the Secretary might desire to make.

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SEATTLE, WASH., June 23, 1909.

DEAR POLLY: I send you in confidence a letter which came from Mr. Newell to-day.

As I am tied down here by my work, there is very little I can do except by letter, and that's not safe. I am sure you can get a line on a few strong men and get them to follow Mr. N.'s suggestion.

We have got to handle this matter carefully, as you can understand, but you are enough of a diplomat not to make any mistake.

Good crowds here every day. It's a fine expo.

Regards to Mrs. Perkins.

Very truly, yours,

C. J. BLANCHARD.

---

4651 Personal.]

JUNE 28, 1909.

MR. C. J. BLANCHARD,  
Statistician, U. S. R. S., Seattle, Wash.

DEAR BLANCHARD: Your confidential note of the 23d at hand. Proper and energetic action taken.

Very truly, yours,

E. T. PERKINS,  
Engineer in Charge.

---

[Personal and confidential—A3.]

JUNE 29, 1909.

MR. GIFFORD PINCHOT,  
Chief Forester, Forest Service, Washington, D. C.

DEAR MR. PINCHOT: Blanchard has informed me of a letter which he received from Mr. Newell regarding the position which Mr. Newell finds himself in at the present time. I would like an opportunity of talking with you on this subject, because I know that you have a great deal of influence with Mr. Newell. When he was here, I talked with him as clearly as possible, but he showed no inclination to accept any of my suggestions, but I believe that it is imperative that he should. Blanchard

4652 does not intend to come East and Mr. Newell has not expressed any desire that I should. If you think it desirable that I come to Washington to discuss this matter with you, I will do so, but if you are coming through Chicago the latter part of July I hardly think it necessary, as I am quite sure no positive action will be taken for several months yet.

Very truly, yours,

E. T. PERKINS.

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[Confidential.]

WEST MENTOR, OHIO, July 15, 1909.

MR. E. T. PERKINS,  
777 Federal Building, Chicago, Ill.

DEAR MR. PERKINS: Yours of June 29 has just reached me. You are quite right about the necessity for vigorous action on the part of Mr. Newell. He is, I think, in a very much better frame of mind now than when you saw him, but there are still things to be done to protect the future of the Reclamation Service. I wonder if you could come to Mentor on Saturday or Sunday. I should greatly like to have a talk with you. The trolley car runs out from Cleveland in about an hour and a half, and you get off at stop 52-1-2 on the limited, or stop 55 on the local. Wire me if you can come.

Sincerely, yours,

GIFFORD PINCHOT.



[Trip to Mentor—A3.]

JULY 16, 1909.

DEAR MR. PINCHOT: Your note just received. Upon looking over my plans I find that I can spend Sunday with you at Mentor, or West Mentor, as it may be, where I presume you are staying with Mr. Garfield. (I send you a copy of this letter to each place to catch you.) Why can not I leave Chicago on the Lake Shore, No. 28, at 10.30 p. m., Saturday, July 17, arriving at Cleveland 7.40 Sunday morning, the 4653 18th, leaving Cleveland at 8 a. m. and arriving Mentor 8.47 a. m.? Unless there is some reason of which I do not know, this would appear to me the most convenient train, and I will follow this plan unless I hear from you to the contrary. If it should be necessary for me to come on the trolley, please wire me at Golf, Ill., care of Glen View Club.

Yours, very truly,

E. T. PERKINS.

Mr. GIFFORD PINCHOT,  
Mentor, Ohio.  
CC—West Mentor.

[Personal—A3.]

4654

JULY 19, 1909.

Mr. F. H. NEWELL,  
Director United States Reclamation Service,  
Washington, D. C.

DEAR MR. NEWELL: I spent Sunday at West Mentor, Ohio, with Mr. Garfield, Mr. Pinchot, and Mr. Shipp. You have probably already heard from them the reason for my visit, and I hope that you have taken action in accordance with their suggestions.

Inclosed I send you copy of a letter from Mr. Ripley, which I think will prove of interest to you. Other letters of this same character have gone from Chicago, but as they were written by hand I can not send copies of them to you.

With kind personal regards,  
Very truly, yours,

E. T. PERKINS.

4655

[Telegram.]

CLEVELAND, O.—19-1909.

Mr. EDMUND PERKINS,  
U. S. Reclamation Service, Federal Building, Chgo., Ills.

Our friend left to-night for Washington to see other party personally.

T. R. S. (1228:A)

4654

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
Washington, D. C., July 21, 1909.

Mr. E. T. PERKINS,  
777 Federal Building, Chicago, Ill.

MY DEAR MR. PERKINS: Your letter of July 19 has been received. I also had a talk with Mr. Pinchot, but have not been able to take any action in accordance with his suggestion, although he is greatly disturbed by my failure to do so.

I am very glad to have the copy of letter. I hope to see you on next Monday if nothing interferes.

Very truly, yours,

F. H. NEWELL, Director.

4655

INDIANAPOLIS, IND., July 23, 1909.

Mr. EDMUND T. PERKINS,  
777 Federal Bldg., Chicago, Ill.

DEAR MR. PERKINS: Our friend with whom you and I talked Sunday writes me that he had two long talks with the gentleman he intended to see in Washington, but absolutely without any result. I don't know any details. I thought it only proper to drop you this word.

4656 I expect to see both the gentlemen with whom we talked, in Boston next Thursday and will write or wire you of any further developments. I expect to leave here Monday night.

Sincerely, yours,

THOMAS R. SHIPP.

GIFFORD PINCHOT, 1615 RHODE ISLAND AVENUE,  
Washington, D. C., July 23, 1909.

Mr. E. T. PERKINS,  
777 Federal Building, Chicago, Ill.

DEAR PERKINS: Many thanks for the clipping from the Chicago Record-Herald of July 19, headed "Ballinger and Pinchot war," which I believe came from you. It reached West Mentor after I had left, and has just been received at Washington.

Very sincerely, yours,

GIFFORD PINCHOT.

1812

[Copy. AW-S.]

CHICAGO, ILL., July 29, 1909.

Mr. E. T. PERKINS,  
Manager Home Seekers' Land and Information Bureau,  
Old Colony Building, City.

DEAR SIR: You are no doubt interested in reaching the country people of the Central States for the purpose of interesting them in irrigated lands in the West. For this reason we take the liberty of mailing you to-day, under separate cover, copy of our complete catalogue of 4,768 country weekly newspapers, the map with same showing you at a glance the territory we cover, and how thoroughly we cover it.

The papers are divided into 22 separate lists, as indexed on page 4 of catalogue. You can take up any one list or any combination of these lists that you may prefer. We can handle your copy in same, either reading matter or display, at less cost to you than the electrotypes themselves would amount to were you to place the order with each individual paper. For the past eleven years we have handled three-quarters of the publicity work carried on in this country by the Canadian government, and have been instrumental in sending into western Canada each year during that time from forty-five to sixty thousand American farmers with their families. We have also done a great deal of advertising on Texas and Florida lands. Every campaign of land advertising we have undertaken during the past 10-12 years has been a most unqualified success.

We would like very much to have an opportunity to go over this entire matter with you at any time most convenient to you. This will entail no obligation whatever on your part.

May we not be favored with a response?

Yours, very truly,

(Signed) WESTERN NEWSPAPER UNION.  
Per ALF. WASHINGTON.

[Copy. Publicity campaign. A3. P-99.]

AUGUST 9, 1909.

Mr. E. L. LOMAX,  
G. P. A., Union Pacific R. R. Co., Omaha, Nebr.

DEAR MR. LOMAX: I have just had a most satisfactory conference with Mr. Wester-dahl and I believe we have a thorough understanding as to how this black-tent project should be conducted. We estimate that the original outfit will cost approximately \$1,000, which will be distributed as follows:

1 No. 1007 motiograph with moving-picture head.....	\$200. 00	
1 gas outfit, with equipment.....	43. 75	
2 15-foot screens.....	14. 00	
Trunk for carrying outfit.....	42. 50	
Extras.....	20. 00	
		\$320. 25
1 black tent, 30 by 70 feet.....	275. 00	
Chairs, 500, at 75 cents each.....	375. 00	
Electric fans, 4, at \$15 each.....	60. 00	
		710. 00
Total.....		1, 030. 25

48412-10-vol 2-33

The services of the following men will be necessary:

	Salary.	Traveling expenses.	Incidental expenses.	Total.
Manager.....	\$150.00	\$150.00	\$50.00	\$350.00
Operator.....	112.50	100.00		212.50
Lecturer.....	150.00	150.00		300.00
Door and car keeper.....	80.00	70.00		150.00
Property man.....	80.00	70.00		150.00
Man in charge of literature.....	80.00	70.00		150.00
				1,312.50

The expenses of maintenance will approximate as follows:

Installing, dismantling, drayage, wiring, etc., average 3 times per month, \$125.....	\$375.00	
Expenses incurred by Mr. Perkins in going to and from Chicago to exhibits.....	100.00	
Postage per month.....	25.00	
Telegrams per month.....	25.00	
Railroad fare (5 employed) per month.....	75.00	
		\$600.00
Printing and advertising:		
Passes for admission, 60,000, at 60 cents per M.....	36.00	
Placards and posters for windows, announcing location of exhibits, 6,000 at.....	60.00	
		96.00
Monthly total.....		2,008.50

(No estimate is made for freight charges.)

Mr. Westerdahl will explain to you the method by which we arrive at these estimates.

The following conditions I consider necessary for the success of this project and I would request your consent to this method of handling the matter.

1. I must have exclusive control in handling matters relative to black tent exhibit of the Reclamation Service.

2. Funds are to be handled in an expense account to be deposited on requisition and to be drawn upon as necessary. At the end of each month vouchers are to be turned in for credit against this account. Vouchers to be made out on government blanks. I am to pay everything in connection with the expenses of this undertaking. If, however, any amounts are paid out of this fund I should be notified at once, with copy of voucher.

3. I will make arrangements for a competent manager, whose duties are to select space for location of tent at each fair, to attend to the installation and dismantling of the same, to arrange seats, etc. Also to attend to the moving of the paraphernalia from fair grounds to car and arrange for the movement of the car from fair to fair and have general charge of the enterprise. I will also make arrangement for the employment of a lecturer, for the purchase of a lantern and outfit; also arrange for the

1814 employment of an operator; arrange for the employment of two doorkeepers, one of which will also act as car keeper, and one man to be in charge of literature, etc.

4. Lecture hours: Hours from 10.30 a. m. to 5.30 p. m., inclusive. Each lecture to start on the half hour with half hour intervening, which time is to be occupied in distributing literature and answering personal inquiries.

5. I will make arrangement to get out a form of pass—same to be a good lithographed pass—to be used by people for admission, to contain the name and address of each person and to be distributed through the Congressmen, mayor, city council, associations of commerce, and merchants.

6. Arrangements should be made for latest-pattern automobile car to be used exclusively from beginning of lecture tour to ending, for the handling of all paraphernalia in connection with this lecture tour, with signs on sides announcing property of car and object.

7. Only reclamation literature to be used, to be distributed judiciously, and a careful record kept of the number of pieces issued.

8. In consultation with Mr. Westerdahl, I am to furnish itinerary and the Union Pacific to handle the press matters; that is, publicity through the newspapers, etc.

As to open dates, after conferring together, we have decided that the greatest good can be obtained by exhibiting at good, substantial county fairs in Indiana, Illinois, and Iowa instead of the larger expositions in the cities.

9. I will prepare a poster or placard announcing the location of exhibits, etc., to be placed in prominent business houses and other conspicuous places.

10. I will make arrangements for the purpose of two government flags and Reclamation Service flags, as needed.

11. I will arrange for the painting of map showing all reclamation projects on each side of doorway of tent.

12. I will arrange for a large sign for announcing that this is a United States Reclamation Service exhibit; two additional signs containing the same information to be placed, one on each side of railway car carrying this exhibit.

13. Tentative itinerary: At Des Moines, Iowa, August 27 to September 3. September 4 and 5 to be used in moving exhibit to St. Paul. At St. Paul, Minn., September 6 to 11. At Milwaukee, Wis., September 13 to 17. Open dates from September 17 to 30. At Springfield, Ill., October 1 to 9. Open dates October 10 to November 14. At Council Bluffs, Iowa, National Horticultural Show, November 15 to 20.

(Tent will not be in use from November 20 to December 18, as the lectures will be given indoors at the United States Land and Irrigation Exposition, Chicago, November 20 to December 4, and at the International Live Stock Show, Chicago, from November 27 to December 10, and at the Corn Exposition, Omaha, from December 6 to December 18. Relative to the corn exposition, however, same is indefinite; if space can be arranged for in the exposition building, tent will not be in use, otherwise outside space must be arranged for tent between December 6 and 10.)

I will be glad to call the publicity campaign of the Reclamation Service to the attention of the Hill and Santa Fe systems with a view of obtaining their cooperation and a proportionate contribution of money from them, but as for soliciting subscriptions from the water-users' associations or from local boards of trade or associations of commerce, the Washington office will not permit me to do this.

I would request that you authorize Mr. Neimyer to transmit to me \$2,000, to be used in purchase of equipment and current expenses of the project for the first fifteen days; the amount to be carried in suspense account as previously noted and receipts duly rendered for expenditures.

While in Washington I procured authority to proceed with the publication of standard pamphlets which we have discussed. I have now a large supply of literature on hand relating to your projects and will use this for distribution until the standard pamphlet is turned out by Rand, McNally & Co. Instead of having one pamphlet issued each month, I think it would be better to have all the pamphlets published as soon as possible, so that we can furnish information to inquirers concerning any of the projects on your system. The expense will be the same, though it will not extend over such a long period of time, and the results will be satisfactory I am sure. Your agreement in this matter will then clear up all points in question between us. A record will be kept of the number of inquiries concerning each project.

At your earliest convenience, please forward me letters of authorization to proceed in accordance with our general understanding; these letters to be on file as a matter of record.

Respectfully,

E. T. PERKINS, *Engineer in Charge.*

1812

[Copy. Publicity. A3. P-99.]

AUGUST 10, 1909.

Mr. P. S. EUSTIS,

*Passenger Traffic Manager, C., B. & Q. Ry., Chicago, Ill.*

SIR: Inclosed is carbon of a letter just sent to Mr. E. L. Lomax, general passenger agent of the Union Pacific Company. The Harriman roads have agreed to support a lecture tour on Reclamation Service projects as indicated in this letter, but it is necessary, from our point of view, that all Reclamation Service projects be covered, and of course they are not willing to bear the expense of advertising projects on other systems. To overcome this perfectly proper objection of theirs, I would request that you agree to bear a proportionate expense of this lecture tour and that you notify me at your earliest convenience as to your decision in this matter.

Respectfully,

*Engineer in Charge.*

(Inclosure.)

1815

[Copy. Publicity campaign. A3. P-99.]

August 10, 1909.

Mr. W. J. BLACK,  
*Passenger Traffic Manager, Santa Fe System, Chicago, Ill.*

SIR: Inclosed is carbon of a letter just sent to Mr. E. L. Lomax, general passenger agent of the Union Pacific Company. *The Harriman roads have agreed to support a lecture tour on Reclamation Service projects as indicated in this letter, but it is necessary, from our point of view, that all Reclamation Service projects be covered, and of course they are not willing to bear the expense of advertising projects on other systems.* To overcome this perfectly proper objection of theirs, I would request that you agree to bear a proportion of the expense of this lecture tour and that you notify me at your earliest convenience as to your decision in the matter.

Respectfully,

\_\_\_\_\_  
*Engineer in Charge.*

[Inclosure.]

[Copy. Publicity. A3. C-1893.]

August 11, 1909.

*To all project engineers:*

SIR: Arrangements are now being completed for a series of lectures on the irrigation projects of the United States Reclamation Service at the various county and state fairs of Indiana, Illinois, Iowa, Minnesota, Wisconsin, and Michigan, for the purpose of obtaining settlers on our reclaimed lands and of arousing a general interest in the West among the farming communities of these States.

The general plan consists of a black tent 30 feet by 70 feet, seating some 350 people, lectures to be given from 10.30 a. m. to 5.30 p. m. on the half hour, lasting approximately thirty minutes; the intervening thirty-minute periods are to be used in answering questions, distributing literature, and taking a record of the inquirers. Arrangements are being made to keep a record of the names and addresses of all persons who attend the lectures, even if they do not remain between lectures to answer questions.

I would request that you have immediately forwarded to me, 777 Federal Building, Chicago, Ill., charges prepaid, such literature concerning your project as you wish distributed. We will distribute literature issued by the Reclamation Service, by the water-users' associations, local boards of trade, or commercial associations.

I would request that you take prompt action in this matter.

Respectfully,

\_\_\_\_\_  
*Engineer in Charge.*

[Copy. 1451.]

OMAHA, NEBR., August 12, 1909.

Mr. W. G. NEIMYER,  
*General Agent, 120 Jackson Boulevard, Chicago, Ill.*

DEAR SIR: Please note attached copy of my letter of even date, 1451, to Mr. E. T. Perkins, Department of Interior, engineer in charge, United States Reclamation Service, 777-779 Federal Building, Chicago, Ill., referring to the payment to Mr. Perkins of \$1,400 for the purchasing of equipment and estimated weekly expenses of carrying on the black-tent publicity campaign, United States Reclamation Service.

Will you please arrange to furnish Mr. Perkins with this amount as well as from time to time, presumably each week, as necessary, sums to the amount of \$400 per week for the carrying on of this publicity campaign for a period of sixteen weeks. The total expenses to be in aggregate \$8,000.

Make voucher covering these amounts as follows:

Make voucher favor E. T. Perkins, Chicago, pay W. G. Neimyer, reading:

"Amount due for the purchasing of equipment, salary, and expenses of moving-picture exhibition in advertising irrigated lands under the various United States Reclamation projects during the month of August, \$1,400.00."

Attach receipt to each of these vouchers, and after making your record and claiming credit, forward these vouchers to Omaha in the usual manner.

Yours, truly,

(Signed)

E. L. LOMAX.

[GWW, LA, CC to E. T. Perkins.]

OMAHA, NEBR., August 28, 1909.

Mr. S. K. HOOPER,  
G. P. A., D. & R. G. R. R. Co., Denver, Colo.

DEAR SIR: In regard to "black tent publicity" work on United States reclamation districts that is to be done at various state and county fairs, I am pleased to give you the exact data:

You are interested in the Uncompahgre Valley project and Grand Valley project of Colorado and the Strawberry Valley project in Utah. Arrangements have been made with the United States Government whereby a special series of lectures upon and stereopticon pictures of the reclamation work on the Uncompahgre, Grand, and Strawberry Valley projects can be presented every day and full publicity given to the advantages the districts hold out to the settlers, with all the information, conditions, etc., made by the Government for the settlement, price of land, price of water, etc.

You are asked to participate in the fund necessary to have the Government give these shows to the extent of \$3,000, \$2,250 of which goes to the publication of a government pamphlet each of the Uncompahgre, Grand River, and Strawberry Valley projects. The cost of these pamphlets will be about \$750 for 50,000 of 72 pages of printed matter, in which mention will be made of the Denver and Rio Grande, and there will be a map showing the projects and how to get there on the Denver and Rio Grande. The other \$750 is to be used to defray the pay roll and expenses of the men engaged in giving the show, the setting up and taking down of the show, and the freight charges on the shipment of the car containing the exhibit from town to town.

These exhibits for the next three months are, per month:

Pay roll and expenses.....	\$1,312.50
Setting up, taking down (and freight charges on car containing exhibit) exhibit for each fair, three fairs per month.....	600.00
	<hr/> 1,912.50

You are earnestly requested to come in on the project and lend us your assistance.

The United States Government has appropriated over \$62,000,000 and has already expended about \$50,000,000 on these various reclamation districts, but to date—for some reason or other, probably because matters have not been pushed as hard as they should have—few, if any, settlers have located in these districts, and it is possible, if proper encouragement is not given the Government in this work, that there may be no more appropriations obtained, which would be a great loss to the people of the country as well as to the railroads.

For your information, when the subject was broached to the Harriman lines, it was decided that we would undertake the exploitation of the various projects upon the Harriman lines with the intention of confining the exhibits entirely to the Harriman lines, but it was finally determined to give all of the lines interested in these reclamation projects an opportunity to come in with us and defray the heavy expense which a traveling exhibit of this kind naturally entails, which expense you will note from the above estimate is about \$2,000 per month.

If you desire to come in, which I hope you will do, kindly send your check for the \$3,000 to Mr. E. T. Perkins, engineer in charge, United States Reclamation Service, Federal Building, Chicago, referring to this letter, copy of which Mr. Perkins has, kindly advising me when same has been done.

Yours, truly,

(Signed) E. L. LOMAX.

[L-B CC to E. T. Perkins.]

[Copy. Publicity campaign. P-99. A3.]

SEPTEMBER 13, 1909.

Mr. W. W. BROUGHTON,  
Traffic Manager Great Northern Railway,  
St. Paul, Minn.

DEAR MR. BROUGHTON: Your telegram of the 11th was duly received, as was copy of a telegram from Mr. L. W. Hill to our Washington office.

I assure you that I am very glad to note these evidences of your interest in our black tent publicity campaign. It has been a keen disappointment to me that you did not participate in this work, and I hope now that it has been brought to your attention you will see your way clear to aid us. The general offices of the Burlington road here in Chicago have always been very kind in acting as our intermediary

when we had requests to make on the Great Northern or the Northern Pacific and we have learned to appreciate their cooperation and to trust them implicitly. Under date of August 10 I wrote to Mr. P. S. Eustis, passenger traffic manager C., B. & Q., Chicago, requesting his cooperation in the support of a lecture tour on Reclamation Service projects and personally requested that he would present the matter to the Great Northern and the Northern Pacific roads. After a few days' consideration Mr. Eustis telephoned me that the Burlington road did not care to cooperate in this series of lectures, as he did not believe it would be effective advertising. He further stated that he would not recommend it to the Great Northern nor the Northern Pacific and intimated that under these conditions it would be useless for me to carry the matter to you personally.

I should like to present the matter to you personally now and see if your decision may be different from that of Mr. Eustis. During the winter Mr. E. O. McCormick, assistant traffic director of the Harriman lines, called on the Secretary of the Interior, Mr. Ballinger, to discuss the advertising and settling of the western lands. Some time afterwards the Secretary was in Chicago and authorized me to proceed with the cooperative scheme of advertising and settling these lands. As the Reclamation Service has no funds whatever for advertising, the plan was that the various railroads and other interests of the West would furnish the funds and the Reclamation Service would do the work. Invitations to participate in this work were extended to the Harriman roads, the C. & N. W., the A., T. & S. F., the Hill lines (through the Burlington), the D. & R. G., and the Salt Lake road. *We received promises of cooperation from the Harriman roads, the Northwestern, and the Santa Fe, and in consequence are giving projects along these systems the preference in our lectures and distribution of literature.* Inclosed is a carbon copy of a letter addressed to Mr. Lomax, of the Union Pacific, which will explain to you quite fully the plans under which we are working.

When my request was made of Mr. Eustis, it was estimated that the proportion of expense which each one of the Hill roads should bear should be \$1,000. This campaign was destined to last four months; it has already been under way some three weeks, and we have obtained the names of some twelve to thirteen thousand prospective settlers and are carrying on active correspondence with them through our settlement agency.

If this matter appeals to you, and I certainly hope that it does, because I desire nothing better than to aid in settling the Great Northwest, I should be very glad to have one of your representatives call upon me at my office to go into the matter fully.

Very truly, yours,

\_\_\_\_\_  
Engineer in Charge.

Inclosure.

\_\_\_\_\_  
[Copy.]

DEPARTMENT OF THE INTERIOR,  
Washington, September 16, 1909.

Mr. E. O. McCORMICK,  
Assistant Traffic Director, 135 Adams Street, Chicago, Ill.

DEAR SIR: I am in receipt of your letter of August 27, 1909, referring to interview in the interest of cooperation between the Government and private interests in the settlement of reclaimed arid lands in the West, and am glad to learn that the western railroads are preparing to assist in the dissemination of information with reference to this matter.

\* \* \* \* \*

Very respectfully,

(Sgd.) R. A. BALLINGER,  
Secretary.

4228

DEPARTMENT OF THE INTERIOR,  
Washington, September 16, 1909.

Mr. E. O. McCORMICK,  
Assistant Traffic Director, 135 Adams Street, Chicago, Ill.

DEAR SIR: I am in receipt of your letter of August 27, 1909, referring to interview in the interest of cooperation between the Government and private interests in the settlement of reclaimed arid lands in the West, and am glad to learn that the western

railroads are preparing to assist in the dissemination of information with reference to this matter.

You suggest the advisability of opening a unit of the Truckee-Carson reclamation project upon a fixed date in the future, distributing the claims by lot. In reply I direct attention to the provisions of section 3 of the reclamation act of June 17, 1902, which provide that irrigable lands withdrawn in connection with reclamation projects shall continue to be subject to entry under the homestead laws. As you state in your letter, the lands are now open to settlement, and the law would not authorize or permit me to withdraw the lands in this particular unit from disposition, pending their reopening on a fixed date by means of a drawing.

This department and its bureaus will gladly furnish the railroads you represent and any other roads or individuals interested, all the information available from time to time regarding lands in reclamation projects, their situation, price, where subject to entry, and all facts in possession of this department bearing on the projects in which the public may be properly interested. This will furnish data upon which the companies can advertise, make rates to settlers, and thereby aid themselves as well as the Government, in placing home seekers upon the lands, and in this respect I would suggest that you confer with Mr. E. T. Perkins, engineer in charge, Reclamation Service, Chicago, Ill.

Very respectfully,

R. A. BALLINGER, *Secretary.*

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[Copy.]

1817

THE SECRETARY OF THE INTERIOR,  
*Washington, September 18, 1909.*

DEAR SIR: I have your letter of September 14, and I thank you for the information therein contained. The department has been of the opinion for some time that it would further the interests of the Reclamation Service if lands within a proposed project could be withdrawn from settlement or disposition in any way until water was available. The question of shortening the period of residence required on an entry within a reclamation project is one which would require very careful consideration, and legislation would have to be had before any change in the present requirements could be made.

The department has under consideration the question of affording relief to entrymen who have made satisfactory final proof on their entries within projects, similar to the case cited by you, and action in this respect will be had as soon as the scope of the authority of the department can be determined upon.

Very truly, yours,

(Sgd.) R. A. BALLINGER, *Secretary.*

MR. E. O. McCORMICK,  
*Assistant Traffic Director, 155 Adams street, Chicago, Ill.*

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[Copy.]

1796

ON LINE, *September 16, 1909.*

HON. THOS. H. CARTER,  
*Chairman Irrigation Committee, United States Senate,*  
*Helena, Mont.*

MY DEAR SENATOR: I will try to be brief as possible in presenting a matter that I think will interest you.

I attended the Minnesota State Fair, held September 6 to 11, inclusive, with the object of hearing the reclamation lectures and seeing the state and government good roads exhibit.

The man in charge of the reclamation exhibit, called the "Black Tent Show," delivered a very interesting lecture, with pictures on the Grand Canyon of the Colorado, Imperial Valley, Yuma Desert, palm trees, orange groves, etc.

I waited after the show and complimented him on the lecture and told him I should be glad to return if he would tell me when he would put on a lecture on any of the projects in North Dakota, Montana, or Washington State, and he answered that he had nothing on these. Asked him why, and he said they were not in shape. Told him some of them were finished and sadly in need of advertising to develop them, and he informed me that I was not posted. We straightened that out, and I explained to



him that the people at the Minnesota State Fair were interested in the territory I mentioned, and the jobbers of our cities were certainly interested in that territory and in no way interested in the projects he was advertising.

I told him I had heard that the Reclamation Service had been criticised and I thought some men had been removed for taking too much interest in the southwestern portion of the country; that it was no reflection on him as he was a good lecturer, but his exploiting territory that was of no interest to the people of the Northwest who were at the state fair and neglecting what we claim as northwestern jobbers' territory was a serious matter and that I would take it up with his director, Mr. Newell.

I have no criticism to make of the lecturer, but I think Mr. Newell and his men in charge of these matters are seriously at fault, and he will find that the people of the Northwest will not drop the matter.

Following is a copy of my message to Mr. Newell:

"Reclamation Service are delivering illustrated lectures at Minnesota State Fair, exploiting the southern projects that are of no interest to the people of the Northwest. It is a disappointment to this community that you have no lectures on Montana, Washington, and North Dakota finished projects."

To which he replied as follows:

"Your telegram regarding lectures at state fair received. Matter is receiving careful consideration."

His reply does not give much satisfaction, as he says the matter is receiving careful attention; meantime the show goes on.

As a matter of fact, the Government has placed itself in the position of discriminating against all the other government projects in favor of projects along the line of the Union and Southern Pacific.

I will quote a little further of a letter from E. T. Perkins, engineer in charge, Chicago, to E. L. Lomax, general passenger agent of the Union Pacific Railway, Omaha, Nebr., that will explain all this.

I understand the position taken by the Reclamation Service to be that if some small road in the hands of a receiver had a project exclusively local to their line, say, in South Dakota, and the Great Northern had five projects exclusively local to its line, the Government is willing to advertise the projects on our line if we will pay the bill, while the South Dakota project would receive no advertising for the reason that the receivers of the small line would be unable to furnish funds to buy tent, chairs, lantern, hire lecturer, etc., and hire six or seven men to accompany, to advertise the

little project in South Dakota, while the Great Northern, with a liberal allowance for advertising, could arrange with the Government to have their projects advertised on such fair grounds, free of any concession charge, on the claim that it is the Government and not a private enterprise. The whole thing seems to be entirely inconsistent and would seem to me illegal from the standpoint of discrimination. Our jobbers sent Director Newell the following message:

"Regret that lectures Reclamation Service are delivering at our state fair are about projects that are of no interest to people in this part of the country. We think lectures should have been on finished projects in North Dakota, Montana, and Washington in which northwestern people are interested, and urge you to so arrange throughout the Northwest."

Following is a copy of a telegram from our general traffic manager, Mr. W. W. Broughton, St. Paul, to E. T. Perkins, engineer in charge, Chicago, protesting against the Northwest being left out of the advertising:

"Mr. Maynard, in charge Reclamation Service exhibit, Minnesota State Fair, states that no stereopticon views of any northwestern irrigation projects; in fact, northwestern irrigation projects are conspicuous for the absence of advertising matter similar to that which covers your tables for southern projects. Hope you can arrange to give northwestern projects stereopticon and other representation equal to southern projects. Will you accept special literature from the Sun River, Milk River, etc., for future exhibits?"

To which Perkins replied as follows:

"Your telegram received. Will be very glad to present lectures on northern projects and carry your literature if you will participate in expense. This subject was presented to the Burlington road on account of the Hill interest. They declined to participate, and said they did not think any of the Hill roads cared to make an appropriation for such methods of advertising. Will write you in the morning, inclosing copies of correspondence with the Burlington."

I next quote a letter written by Mr. Perkins to E. L. Lomax, general passenger agent Union Pacific Railway Company, at Omaha, Nebr.:

"I have just had a most satisfactory conference with Mr. Westerdahl and believe we have a thorough understanding as to how this black tent project should be con-

ducted. We estimate that the original outfit will cost, approximately, \$1,000, which will be distributed as follows:

1 No. 1007 Motiograph with moving-picture head.....	\$200. 00	
1 gas outfit, with equipment.....	43. 75	
2 15-foot screens.....	14. 00	
Trunk for carrying outfit.....	42. 50	
Extras.....	20. 00	
		\$320. 25
1 black tent 30 by 70 feet.....	275. 00	
Chairs, 500 at 75 cents each.....	375. 00	
Electric fans, 4 at \$15 each.....	60. 00	
		710. 00
<b>Total.....</b>		<b>1, 030. 25</b>

The services of the following men will be necessary:

	Salary.	Traveling expenses.	Incidental expenses.	Total.
Manager.....	\$150. 00	\$150. 00	\$50. 00	\$350. 00
Operator.....	112. 50	100. 00		212. 50
Lecturer.....	150. 00	150. 00		300. 00
Door and car keeper.....	80. 00	70. 00		150. 00
Property man.....	80. 00	70. 00		150. 00
Man in charge of literature.....	80. 00	70. 00		150. 00
				1, 312. 50

1798 The expenses of maintenance will appropriate as follows:

Installing, dismantling, drayage, wiring, etc., average 3 times per month.....	\$125. 00	\$375. 00
Expenses incurred by Mr. Perkins in going to and from Chicago to exhibits.....	100. 00	
Postage per month.....	25. 00	
Telegrams per month.....	25. 00	
Railroad fare (5 employed) per month.....	75. 00	
		600. 00
<b>Printing and advertising:</b>		
Passes for admission, 60,000 at 60 cents per thousand.....	36. 00	
Placards and posters for windows, announcing location of exhibits, 6,000.....	60. 00	
		96. 00
<b>Monthly total.....</b>		<b>2, 008. 50</b>

No estimate is made for freight charges.

Mr. Westerdahl will explain to you the method by which we arrive at these estimates.

The following conditions I consider necessary for the success of this project, and I would request your consent to this method of handling the matter:

1. I must have exclusive control in handling matters relative to black-tent exhibit of the Reclamation Service.

2. Funds to be handled in an expense account to be deposited on requisition and to be drawn upon as necessary. At the end of each month vouchers to be turned in for credit against this account. Vouchers to be made out on government blanks. I am to pay everything in connection with the expenses of this undertaking. If, however, any amounts are paid out of this fund I should be notified at once, with copy of voucher.

3. I will make arrangements for a competent manager, whose duties are to select space for location of tent at each fair, to attend to the installation and dismantling of the same, to arrange seats, etc. Also to attend to the moving of the paraphernalia from fair grounds to car and arrange for the movement of the car from fair to fair and have general charge of the enterprise. I will also make arrangement for the employment of a lecturer, for the purchase of a lantern and outfit; also arrange for the employment of an operator; arrange for the employment of two doorkeepers, one of which will also act as car keeper, and one man to be in charge of literature, etc.

4. Lecture hours: Hours from 10.30 a. m. to 5.30 p. m., inclusive. Each lecture to start on the half hour with half hour intervening, which time is to be occupied in distribution of literature and answering personal inquiries.

5. I will make arrangements to get out a form of pass—same to be a good lithographed pass—to be used by people for admission, to contain the name and address of each person and to be distributed through the Congressman, mayor, city council, associations of commerce, and merchants.

6. Arrangements should be made for latest pattern automobile car, to be used exclusively from beginning of lecture tour to ending, for the handling of all paraphernalia in connection with this lecture tour, with signs on sides announcing property of car and object.

7. Only reclamation literature to be used—to be distributed judiciously and a careful record kept of the number of pieces issued.

8. In consultation with Mr. Westerdahl, I am to furnish itinerary and the Union Pacific to handle the press matters, that is, publicity through the newspapers, etc. As to open dates, after conferring together we have decided that the greatest good can be obtained by exhibiting at good, substantial county fairs in Indiana, Illinois, and Iowa, instead of the larger expositions in the cities.

9. I will prepare a poster, or placard, announcing the location of exhibits, etc., to be placed in prominent business houses and other conspicuous places.

10. I will make arrangements for the purpose of two government flags and Reclamation Service flags, as needed.

11. I will arrange for the painting of map showing all reclamation projects, on each side of doorway of tent.

12. I will arrange for a large sign for announcing that this is a United States Reclamation Service exhibit; two additional signs containing the same information to be placed one on each side of railway car carrying this exhibit.

1799 13. Tentative itinerary.

At Des Moines, Iowa, August 27 to September 3.

September 4 and 5 to be used in moving exhibit to St. Paul.

At St. Paul, Minn., September 6 to 11.

At Milwaukee, Wis., September 13 to 17.

Open date from September 17 to 30.

At Springfield, Ill., October 1 to 9.

Open date October 10 to November 14.

At Council Bluffs, Iowa (National Horticultural Show), November 15 to 20.

(Tent will not be used from November 20 to December 18, as the lectures will be given indoors at the United States Land and Irrigation Exposition, Chicago, November 20 to December 4, and at the International Live Stock Show, Chicago, from November 27 to December 10, and at the Corn Exposition, Omaha, from December 6 to December 18. Relative to the Corn Exposition, however, same is indefinite; if space can be arranged for in the exposition building, tent will not be in use, otherwise outside space must be arranged for tent between December 6 and 10.)

18. Relative to the Corn Exposition, however, same is indefinite; if space can be arranged for in the exposition building, tent will not be in use, otherwise outside space must be arranged for tent between December 6 and 10.)

I will be glad to call the publicity campaign of the Hill and Santa Fe systems with a view of obtaining their cooperation and a proportionate contribution of money from them, but as to soliciting subscriptions from the water-users' associations or from local boards of trade or associations of commerce, the Washington office will not permit to do this.

I would request that you authorize Mr. Neimyer to transmit to me \$2,000, to be used in purchase of equipment and current expenses of the project for the first fifteen days, the amount to be carried in expense account as previously noted and receipts duly rendered for expenditures.

While in Washington I procured authority to proceed with the publication of standard pamphlets which we have discussed. I have now a large supply of literature on hand relating to your projects and will use this for distribution until the standard pamphlet is turned out by Rand, McNally & Co. Instead of having one pamphlet issued each month, I think it would be better to have all the pamphlets published as soon as possible, so that we can furnish information to inquirers concerning any of the projects on your system. The expense will be the same, though it will not extend over such a long period of time, and the results will be satisfactory, I am sure. Your agreement in this matter will then clear up all points in question between us. A record will be kept of the number of inquirers concerning each project.

At your earliest convenience please forward me letters of authorization to proceed in accordance with our general understanding, these letters to be on file as a matter of record.

You will note that this letter explains the whole situation and discloses that the so-called government show, for which they asked and secured free space at the state

fair, account being a government show, is in reality a Union Pacific show being run under the auspices of the Reclamation Service.

For many reasons we could not consider indorsing the Reclamation Service's advertising scheme. It is not necessary to explain why, further than to say that I am sure the Government and any railway company that enter into such an arrangement will not only be liable to, but will justly receive, severe criticism, as it looks to me, as I have said, an inconsistent and perhaps illegal proposition, on account of discrimination.

It certainly is absurd to have six men accompany one lantern-slide lecturer, and I feel that we could advertise our own country and projects better than the Reclamation Service with their present organization, and if this is a sample of the work they do, it would cost us at least twice as much to advertise through them as it would direct.

Please also notice that no one is allowed in the reclamation tent who does not sign up and ask for literature, which on the face of it is absurd and impracticable and poor advertising, as nine-tenths of the people would not want the literature that would be sent them. The attendance at these fairs is made up almost entirely of a careless, idle crowd that take in everything in sight that is free, still the Government insists upon having their names and addresses in order to send them literature.

In reading over Mr. Perkins's letter it is interesting to note that no estimate is made of freight charges. I presume that if this equipment belonged to the Government they could ship it free, but if it belongs to the Union Pacific they could not ship it free; but in that the danger lies, and the proposition of a railroad company using the Government for a shield, behind which to carry on any operation, is a practice that we do not wish to take part in, and I do not think will be long continued by any road.

I can not help but criticise Mr. Perkins's attitude as set out in his letter, when he says he must have complete charge of handling matters in connection with the black tent exhibit of the Reclamation Service (all paid for by the Union Pacific). Vouchers to be made on government blanks. And says in the next to last sentence in 1800 paragraph 2: "I am to pay everything in connection with the expense of this undertaking." Also notice that Mr. Perkins states that he is to make all arrangements with local managers of fairs, placing of advertising, etc. You will notice item No. 7, reading: "Only reclamation literature to be used \* \* \*." Presume they object to the public knowing that the railway company is paying for the show.

You will also notice that in his letter to the Union Pacific he states that he will call on the Hill and Santa Fe systems with a view to obtaining their cooperation and a proportionate contribution of money from them, but as to soliciting subscriptions from the water-users' associations, or from local boards of trade or associations of commerce, the Washington office will not permit to do this. I do not believe the department would care to publish this statement, and I am sure what he calls the Hill roads, and am inclined to think the Santa Fe system, would not think of entering into such an arrangement. Unquestionably the principle is wrong. If the railway companies are entitled to pay the bills, the people directly interested and who live on the projects should be entitled to contribute, if they cared to, and should be given same opportunity the railroads are, to accept or turn down the Government's proposition.

As a matter of fact, the matter was never put up to us. However, that is immaterial. The reclamation people did take the matter up with the general passenger agent of the Burlington Railway, but I have not as yet assigned any of the responsibility for the Great Northern to Mr. Eustis. As Mr. Eustis unquestionably understands this I should assume that the reclamation people would also understand it. I only mention this to show how entirely incompetent and unbusinesslike the outfit are.

In concluding his letter to the Union Pacific Mr. Perkins states:

"While in Washington, I procured authority to proceed with the publication of standard pamphlets which we have discussed. I have now on hand a large supply of literature relating to your projects \* \* \*."

To parties interested in other projects that are not on the Union Pacific, this would be very interesting if published. While not suggesting that it should be published, I do think that people behind and interested in irrigation projects should be all treated fairly, and if they are not they should know it and have an opportunity to get their case squarely before the Government.

You will pardon the length of this communication, but the contents I consider important, and the documents quoted are clearly to the point. It is a matter that we intend to follow up. I showed a copy of Mr. Perkins's letter to the Union Pacific to Mr. James J. Hill, who considered the matter of sufficient importance to state that he would like a copy to give to President Taft and take the matter up with him.

To sum the whole matter up, I think the reclamation department requires a complete reorganization, and that many resignations would benefit the service. We have been patient for many years and inclined to cooperate with them, but I am inclined to think that hereafter we will be found with the public, supporting their demands

for more competent, efficient, and better service from the department, which will be directly the opposite of what we have been in the past, as we have tried to support them in all their theories and have stood being put off patiently and have waited their time.

If, as I have heard stated, the reclamation work will be quite as important to the people of the United States as the Panama Canal work, I think, then, it is important that the Reclamation Service reorganize along more practical, businesslike lines than they are now working on.

I am just as much impressed with the high order of intelligence and good intentions and good work of some of the reclamation engineers as I am with the absurd and disinterested, careless, and incompetent methods of some of the others. There is no doubt that there are two distinct classes of engineers in the service.

I give you all this for what it is worth, knowing that you are greatly interested in the work, and I would appreciate any suggestions from you as to whether I am right in my conclusions, and along what lines you might think it best for me to work, so as to get matters along our line in the way of having contemplated projects promptly started and other projects completed as early as possible.

With your permission, I would like to send a copy of this letter to Mr. Newell, as I prefer to have a man know when I am criticising his department, so that if he is going to hear of it he may get it from me direct.

The territory that we are very much interested in, and which is more or less ready for advertising and settlement, and much needs both, is that which will be served by the Williston project, Buford-Trenton project, Yellowstone project, Milk River project, Sun River project, St. Marys project, Fort Peck project, Blackfeet project, and Okanogan project.

Yours, truly,

(Signed)

L. W. HILL, *President.*

1818

[P-99. Publicity campaign.]

SEPTEMBER 21, 1909.

MR. A. M. CLELAND,

*G. P. A. Northern Pacific R. R., St. Paul, Minn.*

DEAR MR. CLELAND: In accordance with our conversation of September 20, I send you carbon copy of letter to E. L. Lomax, G. P. A. Union Pacific Railroad, date of August 9, 1909. Under date of August 10, I wrote to Mr. P. S. Eustis, P. T. M., C., B. & Q. Railroad, Chicago, Illinois, requesting his cooperation in the support of a lecture tour on Reclamation Service projects, and personally requested that he would present the matter to the Great Northern and Northern Pacific roads. After a few days' consideration Mr. Eustis telephoned me that the Burlington road did not care to cooperate in this series of lectures, as he did not believe it would be effective advertising. He further stated that he would not recommend it to the Great Northern or the Northern Pacific, and intimated that under these conditions it would be useless for me to carry the matter to you personally.

During the winter Mr. E. O. McCormick, assistant traffic director of the Harriman lines, called on the Secretary of the Interior, Mr. Ballinger, to discuss the advertising and settling of the western lands. Some time afterwards the Secretary was in Chicago and authorized me to proceed with the cooperative scheme of advertising and settling these lands. As the Reclamation Service has no funds whatever for advertising, the plan was that the various railroads and other interests of the West would furnish the funds and the Reclamation Service would do the work. Invitations to participate in this work were extended to the Harriman roads, the C. & N. W., the A., T. & S. F., the Hill lines (through the Burlington), the D. & R. G., and the Salt Lake road. We received promises of cooperation from the Harriman roads, the Northwestern, and the Santa Fe, and in consequence are giving projects along these systems the preference in our lectures and distribution of literature. When my request was made of Mr. Eustis it was estimated that the proportion of expense which each one of the Hill roads should bear should be \$1,000. This campaign was destined to last four months; it has already been under way some three weeks, and we have obtained the names of some twelve to thirteen thousand prospective settlers and are carrying on active correspondence with them through our settlement agency.

If this matter appeals to you—and I certainly hope it does—I shall be pleased to have your agreement to contribute \$1,000 for the Northern Pacific. Our lecture tour will be continued up to about December 15 or 18. Our definite dates are: Galena, Ill., September 21-24; De Kalb, Ill., September 25-29; Springfield, Ill., October 1-9; Carlinville, Ill., October 12-15; Carrollton, Ill., October 19-22; National Horticultural

Congress, Council Bluffs, Iowa, November 15-20; United States Land and Irrigation Exposition, Chicago, Ill., November 20 to December 4; National Live Stock Exposition, Chicago, Ill., November 28 to December 5; National Corn Exposition, Omaha, Nebr., December 6 to December 18.

Our tentative dates are: Cedar Rapids, Iowa, October 23-25; Vinton, Iowa, October 26-28; Waterloo, Iowa, October 29-30; Marshalltown, Iowa, November 1-3; Mason City, Iowa, November 6-9; Fort Dodge, Iowa, November 12-13.

With this itinerary and the use of our pass (par. 5, p. 3, letter to E. L. Lomax, August 9, 1909), we ought to get a splendid list of prospective settlers.

The list of names which we receive will later be divided among the railroads, in accordance with the amount of their subscription and *the needs of the Reclamation Service for settlers on certain projects.*

I would be glad to hear from you at your earliest convenience on this subject.

Very respectfully,

E. T. PERKINS,  
*Engineer in Charge.*

[CC-n Mr. W. W. Broughton, Mr. P. S. Eustis.]

1806

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
ROOMS 17 AND 18, NO. 225 DEARBORN STREET,  
Chicago, Ill., September 28, 1909.

[Name of fair changed according to locality.]

DEAR SIR: Mr. R. A. Maynard, who had charge of the Reclamation Service exhibit at the *Wisconsin State Fair* at *Milwaukee*, reports that you attended one of his lectures on the work of this service in bringing under irrigation arid and semiarid lands in the West. I am glad to know of your interest in the subject, and wish to place before you the facilities of this office for gaining more information about the opportunities for home making on lands irrigated by the Government.

The United States is spending \$50,000,000 to reclaim by irrigation several million acres of land in thirty localities in the West. In five of these places, viz, the Truckee-Carson project, Nevada; the Shoshone project, Wyoming; the Huntley and Sun River projects in Montana, and the Bellefourche project in South Dakota, homestead entries may be made on public lands by any qualified entryman and full title secured after five years' residence and the repayment of the actual cost of the irrigation system, which is prorated over the lands benefited. Full particulars about the lands, the climate, the crops, etc., will be sent you on request. While the public lands on the other reclamation projects have either been entered or withdrawn from entry pending the completion of the irrigation systems, there are large areas of deeded lands which may be purchased from the present owners and a water right acquired from the Government. I have no connection with the sale of these lands, but, if you desire, will take pleasure in assisting you to get in touch with parties having lands for sale.

If I can in any way further your interest in the Government's irrigated lands, please let me hear from you.

Very truly, yours,

*Settlement Agent,*

1801

[Cooperation. FHN/KLW.]

SEPTEMBER 28, 1909.

MR. THOMAS COOPER,  
*Northern Pacific Railway Company, St. Paul, Minn.*

DEAR SIR: Referring to our conversation of last evening, I at once took up the matter with Mr. E. T. Perkins on my arrival here and have looked over the correspondence and methods. The matter seems to be carefully conducted and the statement of receipts and expenditures kept in such a way that all vouchers can be checked, showing the expenditure of every dollar contributed by the various railroads.

The matter seems to have been initiated largely by Mr. Ballinger, the Secretary of the Interior, when he was in the Chicago office, hence the details were not referred to our Washington office. At his suggestion every western railroad was given an opportunity to contribute, and also various western organizations. The principal companies who have availed themselves are the Santa Fe, the Northwestern, Union Pacific, Southern Pacific, C. R. & N. Co., Oregon Short Line, etc. The matter was

also brought to the attention of Mr. Eustis, of the Burlington, to be presented to the Northern Pacific and Great Northern, but I understand that Mr. Eustis declined on behalf of all three of the roads.

The expenditures are all made by Mr. Perkins and vouchers taken covering all details. I can assure you that Mr. Perkins does not profit financially, directly or indirectly, although it is understood that upward of \$100 per month may be utilized by him for personal expenditures, such as railroad fare, subsistence, etc., in connection with his personal supervision.

The method has been explained to you, I think, quite freely. Each person who listens to the lecture fills out a card, giving his name and address. Each person is also given a card, copy of which is inclosed, stating that for information concerning free homes on United States Government lands, apply to J. C. Waite, settlement agent, 777 Federal Building, Chicago, Ill.

As the names of the people are received, Mr. Waite sends to each a copy of the letter inclosed herewith, on which the name and address is inserted with typewriter. This letter you will note refers particularly to five projects on which government land is available; of these five you will note that three of them—namely, the Shoshone project, Wyoming, and the Huntley and Sun River projects in Montana—are in your territory, so that although the three northern roads do not contribute to the expense no discrimination is made in sending out information. On this point also I have advised Mr. Perkins that it would be wise to insert in the lectures lantern slides 1802 relating to all of these projects, so that there can be no claim of discrimination in favor of the roads who are contributing to the expenses.

There is also being prepared a series of statements concerning the reclamation projects, each pamphlet to be uniform in size with the others and prepared to fit into the ordinary envelope. Inclosed herewith is copy of the statement concerning the Truckee-Carson project. The material for these statements is prepared by the Reclamation Service, the manuscript is submitted to all persons interested for revision, and the printing is paid for by the railroads out of this general fund. This is modeled on the pamphlet printed by the Great Northern on the opening of the Sun River irrigation project, in Montana, of which we purchased, I think, 10,000 copies for distribution.

I will have a carefully prepared statement made regarding the whole matter, so that the records will be complete. So far as I can see, at present, there has been no intentional favoritism. In fact, in the material sent to the persons who attend the lectures there is, if anything, a bias toward the northern projects rather than the southern.

Referring to letter of September 22 from Mr. Morris Bien, acting director, it appears that the statement, "The expenses of this work are paid for by the Burlington road, etc.," is due to a mistake in transmittal of telegram from Mr. Perkins, which recites exactly the reverse.

Very truly, yours,

\_\_\_\_\_  
Director.

[CC—Mr. D. Miller, Mr. E. T. Perkins.]

[Lectures. FHN/KLW.]

SEPTEMBER 28, 1909.

MR. E. T. PERKINS,  
*Engineer in Charge, Chicago, Ill.*

DEAR SIR: With reference to the lecture system and lecturer sent out in connection with it, I desire to have for official record and possible publication a concise statement covering the following facts:

- First. The origin of the work and the necessity for it.
- Second. The authorization, oral or otherwise, of the work.
- Third. The requests sent out to railroad officials or others for contributions.
- Fourth. A list of the contributions made or promised.
- Fifth. A copy of receipts and expenditures in such form that any money expended in the name of the Reclamation Service can be audited.
- Sixth. Favorable or unfavorable comments.
- Seventh. Statement of results so far accomplished, localities visited, and route laid out in future.
- Eighth. Copies of correspondence with the Chicago, Burlington and Quincy or other officials of the Hill system.
- Ninth. Copies of correspondence with St. Paul parties.

Very truly, yours,

F. H. NEWELL, *Director.*

1803

[FHN-IMP.]

SEPTEMBER 30, 1909.

HON. R. A. BALLINGER, *Seattle, Wash.*

MY DEAR MR. BALLINGER: I have returned to Washington after a trip over the Canadian Pacific Railway's irrigation system, east of Calgary. On my way east, I stopped at St. Paul, and met at the club Mr. L. W. Hill, president of the Great Northern Railway, and Mr. Thomas Cooper, of the Northern Pacific. In the course of conversation, Mr. Hill seemed to be very much disturbed about what he called the "black-tent" lectures which were arranged by Mr. E. T. Perkins.

It seems that Mr. Hill had been out to hear one of the lectures, in which no reference was made to irrigation systems along the Great Northern. The lecturer had told him that he did not then have any slides of that part of the country, and Mr. Hill was very indignant that any lecture series conducted in the name of the Reclamation Service should not mention his country. He said that he would ask his father, Mr. J. J. Hill, to take the matter up personally with President Taft and make a complaint against Mr. Perkins on the ground of favoritism and possible graft, although I do not understand where the graft charge comes in.

As I did not understand about the matter, I took it up the next day with Mr. Perkins, in Chicago, who told me that this "black-tent" arrangement was one which he had talked over personally with you and had your oral authorization to take up this lecture work, the one stipulation being that all of the railroads should be invited to come in on the same basis. This, Mr. Perkins said, had been done. Having been authorized by you, he had not taken the matter up with this office, and hence I was not aware of the arrangements made. I cautioned Mr. Perkins in the future to have all such matters of record, so that there could be no opportunity for misunderstanding; also, to see that the lectures which are being conducted make mention of all the projects, so that there can be no charge of discrimination.

As the matter seems to be one in which you have full information, I suggest that you give authority to the Reclamation Service to permit Mr. E. T. Perkins to obtain contributions from the western railroads and others interested, the money to be expended by him in a series of lectures and the accounts audited from time to time by the special fiscal agent or other qualified employee of the Reclamation Service, and the correspondence to be placed on file, so that all details may be made public if necessary.

I have looked over the correspondence in Mr. Perkins's office, also the statement of receipt and expenditures, and believe that the matter is being carried on in accordance with your wishes and in a businesslike and economical manner and that excellent results are being obtained, so that I can see no reason for complaint. I do not believe that Mr. Perkins is profiting personally in any financial way, but, on the contrary, is giving his time and energy to the work.

Respectfully,

F. H. NEWELL, *Director.*

[FHN-IMP.]

SEPTEMBER 30, 1909.

MR. E. T. PERKINS,  
777 Federal Building, Chicago, Ill.

DEAR SIR: Inclosed herewith is copy of letter which I am writing to Secretary Ballinger. As stated in conversation with you, I think that it is a wise precaution for you to communicate with this office on all matters of this kind, giving us full information. In particular, I wish to emphasize that as a matter of business, as well as of courtesy, all communications with other government officials should pass, if possible, through the director, or if this is not convenient copies should be furnished this office, so that I will be informed or can look the matter up quickly if the occasion arises.

Very truly, yours,

F. H. NEWELL, *Director.*

1804

[Publicity—P-99.]

OCTOBER 6, 1909.

MR. R. A. BALLINGER,  
*Hotel St. Francis, San Francisco, Cal.*

MY DEAR MR. BALLINGER: Mr. Newell has just sent me a carbon copy of a letter which was written you under date of September 30. This lecture work to which Mr. L. W. Hill takes exception is part of the general work of publicity which was started



here in April. Mr. Newell writes as though the details of this work would be fresh in your mind. As I am sure this can not be with the great number of important matters that occupy your time, I send you a carbon copy of a report which I have just made Mr. Newell on this subject.

As I state to Mr. Newell, this work is carried on entirely in accordance with precedent, and I believe will meet with your approval.

As for any possible charge of "graft," only my respect for you prevents a fitting characterization of such charge, and if this charge is made I am sure you will have the matter fully investigated and disproved.

There is one bright spot in the matter—it may lead to your stopping in Chicago on your way East.

Yours, very truly,

E. T. PERKINS.

[Inclosures. CC-Mr. F. H. Newell.]

1805

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
777-779 Federal Building, Chicago, October 6, 1909.

The DIRECTOR U. S. RECLAMATION SERVICE,  
Washington, D. C.

DEAR SIR: Complying with your instructions of September 28, I desire to make the following statement of the cooperative publicity work and stereopticon lectures which are being directed by me.

*Origin of the work.*—In May Mr. Ballinger, Secretary of the Interior, visited Chicago and stated that a short time previously Mr. E. O. McCormick, assistant traffic director of the Harriman lines, called on him in Washington and suggested that the various western roads and the Reclamation Service cooperate in giving publicity to the reclamation work and the opportunities for home making on the irrigated lands.

*Necessity for the work.*—Mr. McCormick expressed the opinion that the lands of the Reclamation Service were not being settled as fast as were the lands irrigated under the Carey Act or exploited by private capital. He referred, also, to the enormous emigration from the United States into Canada, the emigrants being in most cases experienced farmers and men of means, whom it was desirable to encourage to remain in the United States. To offset this emigration and to put the reclamation work on an equal footing with other irrigation enterprises, so far as settlement was concerned, more publicity was necessary.

*Authorization.*—Mr. Ballinger orally approved the plan suggested by Mr. McCormick and stated to me that such publicity work could be carried on provided all interests were invited to cooperate and the control of the work rested with us entirely, so that there might be no discrimination in favor of the interests contributing to the expense and the work would relate to the entire West. The details of this work were not submitted to the Secretary, but plans were gradually developed along the lines of similar cooperation work previously carried out at the Portland Exposition, the Jamestown Exposition, and elsewhere.

*Request for contributions.*—The first communication on this subject was written by me to Mr. E. O. McCormick May 13, and announced the Secretary's approval of his plan under the conditions previously stated, and suggested that Mr. McCormick take up the matter with interested parties. The matter was discussed pro and con until August, when promise of financial support was given and all railroads reaching the West were invited to participate in the work. The plan of the work being—

(a) Stereopticon lectures on the Reclamation Service at the various state and county fairs of this territory and the expositions in the large cities near here in the fall

(b) Distribution of literature relating to reclamation projects. No literature that contains advertising matter is distributed.

(c) The obtaining of names of visitors to these lectures and future correspondence with them by our settlement agent in Chicago.

*Contributions promised or made.*—Based on a statement of expenses from the Payette-Boise Water User's Association during 1908, it was estimated that the cost of these lectures would approximate \$2,000 a month, and that to continue them for four months, or from August 15 to December 15, \$8,000 would be needed. The Chicago and Northwestern Railway has promised \$1,000, or 12½ per cent, of the estimated expense. The Atchison, Topeka and Santa Fe has promised \$2,000, or 25 per cent, of the estimated expense. The four Harriman roads promise the remaining 62½ per cent, or \$5,000, with the expectation of reducing this amount by contributions from various water users' associations and others.

The money thus contributed is paid me as needed by the representatives of the railroads on receipts stating the amounts received and purpose. For example—

“Received from W. J. Black, passenger traffic manager A., T. & S. F. Ry. Co., seven hundred and fifty dollars (\$750), account of expenses and salaries employees black tent publicity campaign.”

This money is deposited as received in the Commercial National Bank of Chicago, to the credit of “publicity account,” and at intervals statement of expenditures in detail are made to all contributing interests. To date (October 5) there have been received \$3,085 and expended \$2,323.86, leaving a balance in bank of \$761.14.

All accounts are paid by check on “publicity account,” receipted bills in duplicate being obtained. In the disbursing of this fund I do not personally handle the money. I approve the bills; the checks are drawn by the stenographer and receive my signature. The only cash I handle is for miscellaneous expenses, which to date are about \$55.

*Favorable or unfavorable comments.*—All comments have been favorable, 1806 except one item in the Minneapolis Tribune. This was more than offset by an article which appeared in the Minneapolis Journal of September 9. Copies of each will be obtained if possible and sent you.

*Localities visited, future itinerary, results accomplished.*—To date lectures have been delivered at Des Moines, Iowa; Hamline, Minn.; Milwaukee, Wis.; Galena, Ill.; Springfield, Ill.

The future plans as definitely arranged at date are Carlinville, Ill.; Carrollton, Ill.; Council Bluffs, Iowa; Omaha, Nebr.; Chicago, Ill.

Following is a summary of the work of the settlement agent's office for the month of September, as the result of the publicity campaign:

Number of names copied from passes.....	11,540
Number of letters addressed and mailed.....	15,735
Number of letters received.....	421
Number of personal replies written.....	386
Number of letters unanswered this date.....	35

A copy of the attached letter has been sent to each person who attended the lectures. Copies of the correspondence in this matter will be prepared and mailed you as soon as possible.

In conclusion, I wish to say that I have followed precedent, as stated above, in the general plan of work done. My correspondence explains all details fully and accounts are open for inspection. I feel that the more thorough any investigation may be the more commendation this work will receive, and the more plainly it will appear that publicity is being given the entire West, and that proper efforts are being made to settle our projects where settlers are most needed.

Very truly, yours,

E. T. PERKINS, *Engineer in Charge.*

1819 FHN—GFS.]

OCTOBER 8, 1909.

Mr. LOUIS W. HILL,  
*President Great Northern Railway Company,*  
*St. Paul, Minn.*

MY DEAR MR. HILL: A copy of your letter of September 16 to Hon. Thomas H. Carter has been forwarded to me. It refers to the so-called “black tent” lectures, concerning which we had a conversation at the St. Paul Club on September 27. I have looked into the matter and find that it is one of those details which apparently was talked over informally between Secretary Ballinger and Mr. Perkins and was not made a matter of record with the Reclamation Service. I have written to Secretary Ballinger asking about the matter and have called upon Mr. Perkins for a formal report, although in this he is presumably not under my orders.

I note in particular the following statement:

“To sum the whole matter up, I think the Reclamation Department requires a complete reorganization, and think that many resignations would benefit the service. We have been patient for many years and inclined to cooperate with them, but I am inclined to think that hereafter we will be found with the public, supporting their demands for more competent, efficient, and better service from the department, which will be directly the opposite of what we have been in the past, as we have tried to support them in all their theories, and have stood being put off patiently and have waited their time.”

"If, as I have heard stated, the reclamation work will be quite as important to the people of the United States as the Panama Canal work, I think, then, it is important that the Reclamation Service reorganize along more practical, businesslike lines than they are now working on."

I wish that you would give me a little more definitely your ideas, even though these may not be flattering or even agreeable to me. I am eager for constructive criticism, even though I may be the person whose resignation you may have in mind. I have devoted my life to building up this work, from the initiation of stream measurements in 1888 and "investigations to the extent to which the arid region might be reclaimed," and hope and intend to remain with it as long as I can properly do so, devoting all of my energies to what I believe to be the best interests of the country, without any personal gain, directly or indirectly, excepting through my salary.

You appreciate, of course, that government business is fundamentally different from that of a corporation. Employees can be obtained only through competitive civil-service examination and can be removed only after filing definite charges. The salaries paid to men occupying the higher positions are, as a rule, less than those paid by corporations, and there is a strong temptation for such men to leave the public service when they become most valuable to it. These are conditions which must be met, whether they are good or bad.

Resignations are unfortunately taking place very rapidly and are usually the men who can least be spared. The places of these men are filled largely by promotion, because a man who has not had many years of training in the public service is almost useless when he attempts to transact business without a thorough knowledge of the minor details as to how to get things done economically and quickly. I could cite almost innumerable instances of men who have succeeded in corporate business who have made rank failures in the public service because they did not understand the so-called "red tape" or governmental systems, which bear the same relation to business that barbed wire fences do to an agricultural country. A man who knows the roads and gates can go through such a country quickly, while a stranger becomes hopelessly entangled. In short, for success in the public service it is necessary to a large extent, to get relatively young and untried men and educate them in the business.

The point, however, on which I would like particular information is that "We have been patient for many years and inclined to cooperate with them," etc., also "As we have tried to support them in all their theories." I should be glad to have a better understanding of this, especially as to where we have, in your opinion, not been successful.

It should be pointed out of course that the Reclamation Service is simply that branch of the Department of the Interior which carries out the orders of the Secretary in surveying and examining and later in constructing and operating irrigation works. It has no power of initiative or of execution excepting as specifically and definitely conferred from time to time, usually at periods of every three months. Its expenditures are audited by the Treasury Department, and all legal questions are settled for it by the Attorney-General or his assistants. Any reorganization, therefore, must be made within these somewhat narrow limitations of law governing the civil-service appointments and of methods of transaction of business laid down by the Treasury and other departments. Nevertheless, our methods have been given careful study by various experts employed for the purpose and have been improved from time to time as result of such advice. They have been commended by President Ripley, of the Santa Fe system, as being the most businesslike of any bureau of the Government. Nevertheless, I am eager to discuss any faults or defects and to remedy them, so that I should be more than glad to have from you any suggestions which would lead to reorganization along more practical businesslike lines.

I am asking this not in a controversial spirit but in a sincere belief that you can and will help the public service by suggestions which you doubtless have in mind. Some of these will probably be found to be inconsistent with existing law and departmental practice which has the force of law, but I do not question the fact that you can make some suggestions which will be well worth the time and trouble.

Very truly, yours,

F. H. NEWELL, *Director.*

1820 FHN-IMP.]

OCTOBER 9, 1909.

HON. THOMAS H. CARTER, *Helena, Mont.*

DEAR SIR: Referring to your letter of September 16, inclosing one from Mr. L. W. Hill, president of the Great Northern Railway, I had a conversation with him in St. Paul on my way east on September 27. Up to that time I did not know about the

"black tent" lectures to which he refers, and I find also that there has been no record in the Washington office on the subject, it being evidently a matter taken up directly between Secretary Ballinger and Mr. E. T. Perkins.

I have written to Mr. Ballinger and asked him to put in writing his instructions or wishes in the matter, and have called upon Mr. Perkins for a report, although, the matter as above stated, being taken up by the Secretary, I naturally feel a little hesitation about intervening. From Mr. Perkins's statement, I do not see but that he has conducted the matter fairly and corresponded with all the western railroads, as authorized by the Secretary, the principal stipulation being that he should give all of them a chance to cooperate. The money received from various roads has been deposited in a bank and all expenditures made by check, accounts being kept of every item.

After my talk with Mr. Hill I urged Perkins to have lantern slides exhibited of every project, and I understand he is now doing this. As to whether the system is desirable or not, it is impossible to judge until the results are shown. It was evidently well thought of by Mr. Ballinger.

Inclosed herewith is copy of ticket of admission; also of the little advertising slip handed to each person, also a form of letter which is being sent to each of the addresses given on the admission card. As a result of sending out these letters a great many inquiries are received concerning the Reclamation Service projects, particularly those named in the letter.

Very truly, yours,

F. H. NEWELL, *Director.*

1822 FHN-GFS.]

OCTOBER 18, 1909.

Mr. F. E. HUFFER,

*U. S. Reclamation Service, Glendive, Mont.*

DEAR SIR: Before you return to the Washington office, I wish you to make a thorough inspection of the Chicago office in the same way that you have been doing with other field offices, and also give especial attention to checking up what is known as the "black-tent" fund so that you may be prepared to certify to its correctness.

This is a fund which has been collected and expended in the name of the Reclamation Service by Mr. E. T. Perkins in accordance with oral instructions and understanding from Mr. Ballinger. From the fact, however, that the name of the Reclamation Service has been used in this connection, I think it essential that the account be scrutinized not merely for the good of the service, but in order to guard against personal criticism of Mr. Perkins.

In this connection see on the Chicago office files copy of Mr. Perkins's letter of October 6 to me regarding the matter.

A separate report should be made supplementing the statements of October 6 above described and stating that you have verified the amounts received and expended by vouchers or other evidence and that the fiscal transactions appear to be as stated.

Please state also to what extent, if any, the Reclamation Service is in your opinion, benefited; also note what employees of the service are engaged in the conduct of the work, what proportion of their time is given to it, their compensation from the reclamation fund or from other sources.

Very truly, yours,

(Sgd.)

F. H. NEWELL, *Director.*

Copy to Mr. E. T. Perkins.

4643 [House of Representatives, U. S., Committee on Irrigation of Arid Lands, Washington, D. C.]

CARROLLTON, ILL., October 20, 1909.

E. T. PERKINS,

*Engineer in Charge United States Reclamation Service,  
777 Federal Bldg., Chicago, Ill.*

MY DEAR SIR: Mr. R. A. Maynard is here this week delivering his lectures on irrigated lands at our county fair. I found time yesterday to attend one of his lectures. I was very much pleased with his manner of presenting the subject and with the pictures used. He presents various projects in a particularly interesting way and makes an impression upon his audiences. Although the rain has almost spoiled the fair this week, the tent is full at each one of his lectures.

I am writing this letter to you in order to express my approval of the methods adopted of calling the attention of the public to the government irrigation projects.

Yours, truly,

HENRY T. RAINEY.

1821 FHN-GMA.]

OCTOBER 20, 1909.

The honorable the SECRETARY OF THE INTERIOR.

SIR: In connection with the Chicago office of the Reclamation Service, it has been found that continual demand is being made upon the time and energies of Mr. E. T. Perkins, engineer in charge, to assist in various public or semipublic movements looking toward the development of the West and utilization of the public lands.

The general conditions have been discussed informally between Mr. Ballinger and Mr. Perkins, and it is the understanding that as a result of this conversation Mr. Perkins has taken charge of what is known as the "black tent" lectures, financed by certain western railroads.

He has also been asked to take advisory part in the so-called United States Land and Irrigation Exposition in Chicago from November 27 to December 4, backed principally by the Chicago Tribune. Mr. Perkins has no interest whatever in the financial side of this. He is assisting as an officer of the Reclamation Service, giving them the advantage of his experience in such matters. He states that it will be necessary for him to devote probably two hours a day to the matter during the time of the exposition.

There is also another enterprise in Chicago called the National Farm Land Congress in which he is being consulted, but without any financial obligation or advantage. It is expected that this body will hold a series of public meetings or congress in Chicago November 16 to 20.

There is also a Northwestern Opportunity League which has requested Mr. Perkins for information and advice.

In view of the number and importance of these demands upon Mr. Perkins's time and the fact that his relation with them has been up to the present time a matter of oral consideration, I respectfully request from the department written approval or comments on these matters.

Very respectfully,

(Sd)

F. H. NEWELL, *Director*.

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[Subject: Inspection Chicago office. No ans. File. E. G. L.]

1822

In reply please refer to P-99.]

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
777-779 Federal Building, Chicago, October 21, 1909.

The DIRECTOR U. S. RECLAMATION SERVICE,  
Washington, D. C.

SIR: Carbon of your letter to Mr. F. E. Huffer has been duly received. Will you please instruct Mr. Huffer to notify me at the earliest date possible as to when he will probably be in Chicago, in order that I may be sure of being here to personally afford him every opportunity to investigate the affairs of this office.

Very respectfully,

E. T. PERKINS, *Engineer in Charge*.

1823 FEH-WWH.]

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
At Glendive, Mont., October 27, 1909.

The DIRECTOR U. S. RECLAMATION SERVICE,  
Washington, D. C.

SIR: Receipt is acknowledged of your letter, dated October 18, directing me to make a thorough inspection of the Chicago office in the same way that I have been doing with the other field offices. It is also noted that you desire me to give special attention to what is known as the "black tent fund," in order that I may be prepared to certify to its correctness.

You are advised that these matters will receive my attention, and an abstract will be prepared of the receipts and disbursements from the "black tent fund," referred to above.

Very respectfully,

F. E. HUFFER, *Fiscal Inspector*.

1821

THE SECRETARY OF THE INTERIOR,  
Washington, October 29, 1909.

DEAR SIR: Your letter of October 20 was handed me on my return from the West, which relates to the Chicago office of the Reclamation Service. In answer to your letter, I am not prepared to say that Mr. Perkins should devote any considerable amount of his time to publicity matters, especially to the detriment of the service for which he was originally selected. My present view is that the Chicago office should be practically limited to the adjustment of transportation rates. If a publicity bureau is to be attached to it, the functions and limitations of this bureau should be outlined with great care. My conversation with Mr. Perkins related only to lectures in some room or rooms in the Federal Building which might be used in illustrating the government projects by lectures, transparencies, etc., and the general cooperation of the railways interested in the settlement of government projects by advertising matter. The "black tent" lectures spoken of are matters that are entirely new to me. I consider it proper that the service should give reasonable assistance to the Land and Irrigation Exposition, the National Farm Land Congress, and other like methods of exploitation, which I understand will be done through Mr. Blanchard.

You will therefore direct that Mr. Perkins's activities be limited according to the views above set forth.

Very respectfully,

R. A. BALLINGER, *Secretary.*

Mr. F. H. NEWELL,  
*Director Reclamation Service.*

1823 514-A.]

DEPARTMENT OF THE INTERIOR,  
UNITED STATES GEOLOGICAL SURVEY,  
RECLAMATION SERVICE,  
Washington, D. C., November 15, 1909.

Mr. F. H. NEWELL,  
*Director United States Reclamation Service,*  
Washington, D. C.

SIR: Acting under instructions contained in your letter to me dated October 18, I have visited the Chicago office and have the honor to submit the following report in connection with my investigations covering the black-tent account. Attached hereto is a general statement, which shows the receipts from the Union Pacific and Atchison, Topeka and Santa Fe railroads to November 8, 1909, to be six thousand and fifty dollars (\$6,050). The disbursements from this fund are shown on the same statement, the detail items being shown on supporting statements Nos. 1 and 2. This statement also shows a balance on hand deposited in the Commercial National Bank of \$457.13, which is supported by bank statement attached hereto, and a balance of \$482.57 in R. A. Maynard's possession. The expenditures from the fund are covered by vouchers, receipted invoices, or other evidence showing the purpose for which payment has been made with the exception of ten dollars (\$10) in check No. 1 and checks Nos. 40 and 76, drawn in favor of E. T. Perkins, presumably to cover traveling expenses, but the detail items are not shown on the accounts.

No bookkeeping record is being kept covering these expenditures, the returned checks, check books, stubs, and invoices constituting the only records.

This account is now in the hands of the Union Pacific Railroad Company, where it was sent to be audited. I am not familiar with railroad auditing, and therefore can not say that the records as they are now being kept will answer their requirements. From the view point of the service, however, I would advise that a bookkeeping record be kept covering these expenditures, and that, in addition to procuring receipted invoices covering purchases, itemized expense accounts should be submitted covering all traveling expense accounts. In conclusion, I wish to put myself on record by stating that the funds in the black-tent account are in general being applied to the purposes for which they were intended, but the records covering these expenditures are poorly kept and show poor application of business methods.

Very respectfully,

F. E. HUFFER, *Fiscal Inspector.*

1824      *Receipts and expenditures, black tent account, to November 8, 1909.***Receipts:**

August 16. Union Pacific Railroad.....	\$1, 400. 00
September 3. Union Pacific Railroad.....	500. 00
September 13. Union Pacific Railroad.....	400. 00
September 20. Union Pacific Railroad.....	1, 000. 00
September 25. Atchison, Topeka and Santa Fe.....	750. 00
October 11. Union Pacific Railroad.....	1, 000. 00
November 1. Union Pacific Railroad.....	1, 000. 00
<b>Total receipts.....</b>	<b>6, 050. 00</b>
<b>Expenditures (statement No. 1).....</b>	<b>5, 592. 87</b>
<b>Amount on hand at Commercial National Bank.....</b>	<b>457. 13</b>
	<b>6, 050. 00</b>
<b>Total advances to R. A. Maynard (statement No. 1).....</b>	<b>2, 450. 00</b>
<b>Expenditures (statement No. 2).....</b>	<b>1, 967. 43</b>
<b>Amount in Maynard's possession.....</b>	<b>482. 57</b>
	<b>2, 450. 00</b>

In addition to the above, \$200 was paid to the Iowa department of agriculture by the Union Pacific Railroad for rentals of lot at Iowa State Fair Grounds. This amount not carried through black tent accounts.

1824      *STATEMENT NO. 1.—Itemized statement of expenditures, black tent fund.*

Date.	Check No.	Payee.	Description.	Amount.
1909.				
Aug. 18	1	E. T. Perkins .....	Miscellaneous purchases .....	\$20. 00
	2	The Laemmle Film Service .....	Stereopticon machine .....	223. 30
19	3	The Show World .....	Advertising .....	10. 00
	4	The Frank Queen Publish- ing Co. ....	do .....	5. 00
	6	McIntosh Stereopticon Co. ....	Supplies .....	16. 20
20	7	J. D. Reeves .....	Services and expense .....	45. 20
21	8	W. W. Paton .....	Services .....	17. 20
23	9	Geo. B. Carpenter & Co. ....	Camp cots, etc. ....	15. 29
	10		Railroad fare, Chicago to Des Moines, for Maynard, Paton, and Mackey. ....	27. 00
	11	R. A. Maynard .....	Travel expense .....	60. 05
	12	do .....	Services, August 15 to 21 .....	50. 00
25	17	Marshall Field & Co. ....	Pillows, comforters, etc. ....	30. 20
27	18	Eugene Frank .....	Travel expense .....	38. 37
	19	Safford Stamp Works .....	Supplies .....	10. 80
28	20	L. M. Prince .....	do .....	2. 50
	21	L. A. McGrath .....	Services .....	7. 50
Sept. 3	24	John V. Farwell Co. ....	Chairs, etc. ....	172. 99
	25	C. A. Taylor Trunk Works .....	Trunks .....	50. 00
4	26	Rand-McNally Co. ....	Cards, etc. ....	19. 20
	29	C. E. McGray .....	Maps, canvas, etc. ....	95. 00
7	30	Des Moines Tent and Awning Co. ....	Tents, etc. ....	166. 90
9	31	W. W. Paton .....	Travel expense .....	14. 67
13	32	Miss Olive Wallace .....	Services .....	5. 00
	33	Miss Emma Clark .....	do .....	4. 00
	35	R. A. Maynard .....	Travel expense .....	80. 43
	36	W. W. Paton .....	do .....	18. 30
	37	Eugene Frank .....	do .....	17. 74
	38	Verne W. Mackey .....	do .....	21. 39
	39	J. D. Reeves .....	do .....	29. 20
14	40	E. T. Perkins .....	Expenses .....	43. 71
15	41	Chicago Letter and Supply Co. ....	Supplies .....	2. 00
	42	Underwood Typewriter Co. ....	Rent of typewriters .....	4. 50
	43	American Seal and Stamp Works .....	Supplies .....	1. 30
	44	S. W. Dick .....	Transfer charges .....	3. 50
16	45	W. E. Claffin .....	Services .....	15. 00

## 1825 STATEMENT NO. 1.—Itemized statement of expenditures, black tent fund—Cont'd.

Date.	Check No.	Payee.	Description.	Amount.
1909.				
Sept. 17	46	Louis W. Franz.....	Sign.....	\$0.95
20	50	Underwood Typewriter Co..	Rent of typewriters.....	3.50
	51	Rand-McNally Co.....	Book covers.....	2.00
25	52	Miss Olive Wallace.....	Services.....	30.00
	53	Miss Emma Clark.....	do.....	30.00
	54	Miss Ada Valentine.....	do.....	26.00
27	55	M. T. Maynard.....	Travel expenses.....	20.20
	56	R. A. Maynard.....	do.....	48.70
	58	V. W. Mackey.....	do.....	46.45
	59	Eugene Frank.....	do.....	42.56
	60	J. D. Reeves.....	do.....	25.54
28	62	People's Gaslight and Coke Co.	Supplies.....	1.41
	63	American Multigraph Sales Co.	do.....	6.00
	64	Atilla Norman.....	Rent of Auditorium, Des Moines, Iowa.....	100.00
Oct. 1	68	W. W. Paton.....	Travel expense.....	34.56
2	69	Miss Mabel McDonald.....	Services.....	22.50
5	70	Blue Line Transfer.....	Drayage.....	32.18
6	72	Eugene Frank.....	Travel expense.....	18.75
	73	V. W. Mackey.....	do.....	18.34
	75	J. D. Reeves.....	do.....	31.48
	77	R. A. Maynard.....	do.....	24.90
	78	M. T. Maynard.....	do.....	22.35
8	79	Rand-McNally Co.....	Supplies.....	235.05
9	80	Miss Olive Wallace.....	Services.....	30.00
	81	Miss Emma Clark.....	do.....	30.00
	82	Miss Ada Valentine.....	do.....	30.00
	83	R. S. Waite.....	do.....	25.00
12	86	G. W. Westerdahl.....	Expenses.....	17.65
15	87	Rand-McNally Co.....	Supplies.....	10.65
19	90	M. T. Maynard.....	Travel expense.....	42.25
	91	R. A. Maynard.....	do.....	49.67
	92	V. W. Mackey.....	do.....	32.09
	93	Eugene Frank.....	do.....	29.40
6	94	E. T. Perkins.....	do.....	20.00
19	94	J. D. Reeves.....	do.....	30.84
22	95	Rand-McNally.....	Supplies.....	29.92
23	96	Olive Wallace.....	Services.....	30.00
	97	Emma Clark.....	do.....	30.00
	98	Ada Valentine.....	do.....	30.00
	99	R. S. Waite.....	do.....	35.00
	100	M. T. Maynard.....	Travel expense.....	29.60
26	101	Rand-McNally Co.....	Supplies.....	4.60
27	102	do.....	do.....	42.50
Nov. 1	106	do.....	do.....	3.70
	107	The Laemmle Film Service..	do.....	7.15
4	108	The C. R. I. & P.....	Express.....	1.80
	112	Rand-McNally Co.....	Supplies.....	46.65
6	113	R. A. Maynard.....	Travel expense.....	55.19
	114	J. D. Reeves.....	do.....	31.48
	115	Eugene Frank.....	do.....	36.52
	116	V. W. Mackey.....	do.....	42.42
	117	M. T. Maynard.....	do.....	38.07
	118	Olive Wallace.....	Services.....	30.00
	119	Ada Valentine.....	do.....	30.00
	120	Emma Clark.....	do.....	30.00
	121	R. S. Waite.....	do.....	35.00
8	122	The Laemmle Film Service..	Supplies.....	13.36
		Amount expended through Chicago office.		3,142.87

*Amounts advanced R. A. Maynard.*

August 24.	Checks Nos. 13, 14, 15, 16, four checks, \$25 each.....	\$100.00
September 3.	Check No. 23.....	250.00
September 6.	Checks Nos. 27, 28, two checks, \$100 each.....	200.00
September 13.	Checks Nos. 33, 34, 35, three checks, \$100 each.....	300.00
September 20.	Checks Nos. 47, 48, 49, three checks, \$100 each.....	300.00
September 30.	Checks Nos. 65, 66, 67, three checks, \$100 each.....	300.00
October 9.	Checks Nos. 84, 85, two checks, \$100 each.....	200.00
October 17.	Checks Nos. 88, 89, two checks, \$100 each.....	200.00
October 29.	Checks Nos. 103, 104, 105, three checks, \$100 each.....	300.00
November 4.	Checks Nos. 109, 110, 111, three checks, \$100 each.....	300.00

Total amount advanced..... 2,450.00



1826 STATEMENT 2.—*Statement of expenditures, R. A. Maynard expense fund.*

## Statement week ending—

September 4, 1909.....	\$115. 10
September 11, 1909.....	336. 75
September 18, 1909.....	322. 88
September 25, 1909.....	149. 24
October 2, 1909.....	241. 51
October 9, 1909.....	22. 95
October 16, 1909.....	330. 41
October 23, 1909.....	33. 09
October 30, 1909.....	415. 50

1, 967. 43

All expenditures covered by the above statements in excess of \$5 are supported by subvouchers or receipted invoices.

*Bank statement to November 8—Black-tent fund—Funds deposited in Commercial National Bank.*

1909.	DEPOSITS.		
Aug. 16.....	\$1, 400. 00	Checks paid at bank.....	\$5, 354. 77
Sept. 3.....	500. 00	Checks outstanding, 111, 113,	
Sept. 13.....	400. 00	114, 117, 122.....	238. 10
Sept. 20.....	1, 000. 00	Balance available.....	457. 13
Sept. 25.....	750. 00		
Oct. 11.....	1, 000. 00		
Nov. 1.....	1, 000. 00		
	<hr/> 6, 050. 00		<hr/> 6, 050. 00

1826

WASHINGTON, D. C., November 15, 1909.

Mr. F. H. NEWELL,

*Director United States Reclamation Service, Washington, D. C.*

SIR: Complying with your request that I visit the Chicago office and give particular attention to the black-tent publicity account, I have the honor to report that I have given this matter most careful attention, and submit the following as the result of my investigations:

Upon my arrival at Chicago I informed Mr. Perkins that I had received instructions from you to audit and check these accounts. He expressed himself as being glad that I was going to do this work, but that all of the accounts had been sent to the Union Pacific Railroad to be audited. I then asked him if it would be possible to have them returned for a few days, in order that I could comply with your instructions. Mr. Perkins said he would do what he could in connection with this matter, and we went together to the Union Pacific office, where I was introduced to a Mr. Mattes, and made known my desire to secure the records covering the account in question. Mr. Mattes told me that he had not found time to check the records, and, therefore, could not say how they were being kept, but that he would be glad to turn them over to me, and would give me any additional information in his possession covering this matter.

I then went through these records, which consisted of invoices, returned checks, check stubs, etc., and found nothing of importance to criticise other than a lack of business methods and management.

The result of this investigation is covered by a separate report, inclosed herewith. After checking these records I then went to Mr. Perkins and asked him if the records I had finished checking covered all the money he had received from the various railroads, and he replied that it was. The total receipts, as shown on his records, amounted to \$6,050. In order to verify the correctness of these figures, I returned to the railroad offices and found that the Union Pacific Company alone had contributed \$7,587 to this fund, and the Atchison, Topeka and Santa Fe \$750, making a total of \$8,337. This discrepancy did not look good to me and aroused my suspicions. I went after Mr. Mattes, of the Union Pacific, and asked for a detailed statement of these expenditures. We went over his records together and found that \$287 had been paid out direct by this company, and that in addition to the amounts paid to Mr. Perkins

for the black-tent fund he had instructions to pay Perkins \$500 on the 1st of 1827 each month for publicity expenses. I asked Mattes if he knew for what purpose the money was to be used, and he replied that he did not, as his instructions came from the Omaha office, and he was not advised as to the purpose of these expenditures.

I then went back to the office and told Mr. Perkins that I had checked the black tent records, but that they did not cover all the receipts, and that I would like to know where the records were covering the balance of the money he had received. He then told me that he had received a copy of my instructions, and that I was authorized to check only the black-tent records. I replied that it was true, but I was satisfied you had no knowledge of any other account or it would have been mentioned in your letter.

Perkins said you were entirely familiar with all the arrangements, and that you did not want me to go further than to check the black-tent accounts. I then told Mr. Perkins that my intention was to check thoroughly everything connected with this matter, and that if he did not consider that I was vested with sufficient authority I would wire your office, but in any event I would stay right there until he came through with the necessary information.

He then told me that he received \$200 per month for expenses in and around the Chicago office, and that this money was carried in what he called a maintenance account. I asked for his records covering this maintenance account. He told me that this money was carried in his personal account in the Commercial National Bank, and that he kept a personal record covering these expenditures. I insisted upon seeing this record, and he handed me a little book showing receipts and expenditures, copy of which is attached hereto. The expenditures for purchases as shown by this record are in the main supported by receipted invoices, but the amounts paid for miscellaneous expenses, traveling expenses, entertainments, etc., are shown only in the personal record referred to above. It will be noted that this record shows payment to Mrs. K. L. Walker, Mr. Perkins's stenographer, of two checks for \$5 and \$10, respectively. When I was looking over the record Mr. Perkins said, "You will note I have given Mrs. Walker credit for a few dollars for extra work done Sundays and evenings. She has not received the money, but it is waiting for her when she wants it." Mrs. Walker said it was nice for Mr. Perkins to give her credit for this money, but she had taken none at that time. I said nothing, but at the moment Mr. Perkins made this statement I had in my hand the \$5 check in Mrs. Walker's favor, which had been paid and returned by the bank.

This incident is mentioned merely to show you Mr. Perkins's attitude and the character of the statements made by him, many of which were misleading, making it hard for me to obtain true information. After going through this maintenance account, which involves \$800, I was still short \$1,200 on the total receipts. I then went to Mr. Perkins again and informed him that I had checked the maintenance account, but I was still short \$1,200, or \$300 per month, covering a period of four months. I asked what became of this \$1,200, and after much spluttering he finally admitted that it went to him for his services. I asked him if you knew about this arrangement, and he replied that you did and referred to a letter from you dated February 28, 1908, in reply to a letter from him, giving him authority to do outside work. Copies of these letters are attached hereto. I was not satisfied, however, as your letter to Mr. Cooper, of the Northern Pacific Railway Company—a copy of which is attached hereto—shows you did not know Mr. Perkins was receiving a salary of \$300 per month from the Harriman railroads. I did not follow this subject out any further with Mr. Perkins, however, as I did not know what arrangements you had made, and our relations, after we had finished, were perfectly friendly and amicable.

From the foregoing it is found that the money received from the railroads is divided into two or three funds. Attached hereto is statement No. 1, which shows the total amount received from the railroads to November 8, 1909, and the various funds receiving benefit. It will be noted that \$287 was paid direct by the railroad company, and did not pass through Mr. Perkins's hands. The amount charged to black tent—\$6,050—is covered by a separate report attached hereto. The amount charged to publicity is accounted for on statement No. 2, attached hereto.

To sum up all the foregoing, it is found that the railroads have contributed to November 8, 1909, \$8,337, to be used for advertising purposes, and of this amount the railroads expended direct \$287, \$6,050 was charged to the black-tent account, \$2,000 was charged to publicity account on the railroad company's books and was deposited in the Commercial National Bank to the credit of Mr. Perkins's private account. Of this amount Mr. Perkins is supposed to use \$800 for miscellaneous purchases, traveling expenses, etc., and account for the expenditures to the railroad company. The balance of \$300 per month, or a total of \$1,200 received to date, goes to Mr. Perkins for his personal services. At the present time the Reclamation Service is paying Mr. Perkins \$275 per month for services, he is also receiving \$300 per month for services from the Harriman railroads, and in addition he is entertaining his friends, etc., and paying  
1828 for minor purchases to the extent of \$200 per month, which is also furnished by the Harriman railroads, and as if this was not enough, he presents an expense

account from time to time to be paid from the black tent fund. All his time is given to publicity work and other matters in which the railroads are interested.

In concluding this report I wish to state that I would like to talk this entire matter over with you personally, as there are many details in connection with the expenditure of this money that I can not cover in this report. In this report I have made no conclusions or deductions, my intention being to bring out nothing but absolute facts, and I have substantial documentary evidence to support all matters touched on above.

Very respectfully,

F. E. HUFFER, *Fiscal Inspector.*

### GENERAL STATEMENT.

#### *Railroad funds advanced to November 8, 1909.*

	Receipts.	Amount.	Disposition.			Remarks.
			Black tent.	Publicity.	Disbursed by railroad.	
1909.						
Aug. 2	Received from Union Pacific.....	\$52.00			\$52.00	Paid McKay.
2	.....do.....	500.00		\$500.00		
16	.....do.....	1,400.00	\$1,400.00			
27	.....do.....	200.00			200.00	Iowa fair.
Sept. 3	.....do.....	500.00		500.00		
3	.....do.....	500.00	500.00			
13	.....do.....	400.00	400.00			
23	.....do.....	1,000.00	1,000.00			
23	.....do.....	35.00			35.00	In Omaha.
25	Atchison, Topeka and Santa Fe.....	750.00	750.00			
Oct. 13	Union Pacific.....	500.00		500.00		
13	.....do.....	1,000.00	1,000.00			
Nov. 2	.....do.....	500.00		500.00		
2	.....do.....	1,000.00	1,000.00			
		8,337.00	6,050.00	2,000.00	287.00	

#### *Publicity funds received from railroads.*

	Paid by—	Amount.	Maintenance.	Perkins.	Remarks.
1909.					
Aug. 2	Union Pacific.....	\$500.00	\$200.00	\$300.00	Union Pacific check No. 2899.
Sept. 3	.....do.....	200.00	200.00		Union Pacific check No. 2991.
Oct. 3	.....do.....	300.00		300.00	Union Pacific check No. 2992.
13	.....do.....	500.00	200.00	300.00	Union Pacific check No. 3103.
Nov. 2	.....do.....	500.00	200.00	300.00	Union Pacific check No. 3147.
		2,000.00	800.00	1,200.00	

1829

#### Office maintenance.

[Copy of E. T. Perkins's record.]

#### RECEIPTS.

August 2, Union Pacific.....	\$200.00
Expended, August.....	111.70
	88.30
September 4, Union Pacific.....	200.00
	288.30
Expended, September 30.....	133.98
	154.32
October 15, Union Pacific.....	200.00
	354.32
Expended, October 1 to 30.....	191.47
Balance, November 1, 1909.....	162.85

NOTE.—It is noted that November 2 receipt of \$200 is not shown on this record.

## EXPENDITURES.

Aug.	5. Stamps.....	\$1.00
	7. 3 lantern slides, colored, \$1.....	3.00
	9. Miscell. expend. 1-9 E. T. P.....	4.85
	13. Entertainment R. W. Pullman, Editor Forest Service.....	5.00
	16. Services Samuel H. Katz, messenger, Aug. 1-12.....	12.00
	17. Entertainment T. R. Shipp, Nat. Con. Com.....	3.15
	17. Services V. W. Mackey, Aug. 1-15.....	30.00
	18. Services K. S. Walker, Aug. 17 and 18.....	5.00
	23. Miscella. Aug. 10-23, incl., E. T. P.....	7.40
	24. Postage.....	.80
	26. E. T. Perkins, trip to Petersburg acct. lecture.....	38.37
	31. Miscellaneous expenses 24-31, E. T. P.....	1.13
		111.70
Sept.	4. Rent of rooms 17-18, Temple Court Bldg.....	90.00
	8. Moving Waite to Temple Court.....	3.00
	9. Lettering doors.....	3.00
	9. Lantern slides, colored.....	10.00
	10. Office supplies, The Fair.....	1.13
	14. Miscell., Sept. 1 to 14, E. T. P.....	4.00
	16. Entertainment A. P. Davis.....	2.95
	18. Entertainment Blanchard.....	3.15
	21. Postage.....	3.00
	28. Entertainment F. H. Newell.....	1.90
	28. Miscell., Sept. 15-28, E. T. P.....	3.25
	30. Hinckley and Schmitt, water.....	7.50
		133.88
Oct.	2. Mounting map, Rand, McNally & Co.....	2.00
	4. Rent of rooms 17-18, Temple Court.....	90.00
	Blakesley Ptg. Co., visitors' register.....	10.00
	6. American Service Supply.....	.75
	Remington Typewriter Co., rent.....	1.50
	9. Blakesley Ptg. Co., cards.....	3.75
	9. Miscellaneous, J. C. Waite.....	9.40
	12. Miscellaneous, Sept. 28-Oct. 12, E. T. P.....	6.82
	13. Stamps and newspaper supplies.....	3.20
	16. M. M. Rothschilds, typewriter ribbons.....	6.22
	16. Osgood & Co., zinc signature.....	2.60
	16. American Multigraph Sales Co., extra parts.....	10.00
	19. Blakesley & Co., cards and sheets.....	10.50
	22. Services, K. L. Walker.....	10.00
1830	27. Expressage on lantern slides.....	.79
	28. Luncheon, J. R. Haynes.....	3.00
	28. Y. M. C. A. year book.....	1.25
	29. Lunch, F. H. Newell.....	1.40
	29. Strap for lantern slide box.....	.48
	30. Miscell., Oct. 12-30, E. T. P.....	8.50
	30. People's Gas Light and Coke Co.....	9.40
		191.47
Nov.	2. Miscell., J. C. W.....	5.95
	4. Lunch, E. O. Brainiff, Forest Service.....	1.30
Oct.	23. Monarch Typewriter Co.....	3.00
	23. Underwood Typewriter Co.....	3.00
Nov.	5. C. E. Heiser, rent 17-18, 225 Dearborn.....	90.00
	5. Monarch typewriter.....	.80
	5. American Multigraph Sales Co.....	30.80
	5. Dorothy Taylor, slides, 27, at 85c.....	22.95
	5. E. T. P. personal slides, 27, at 40c.....	10.80
	8. Miscell., E. T. P.....	4.65
	8. Lunch, Huffer and Westerdahl.....	2.15

<sup>a</sup> Error of \$1 in his addition.

1830

[F. E. H.—E. G. L.]

WASHINGTON, D. C., November 17, 1909.

Mr. E. T. PERKINS,  
U. S. Reclamation Service, Chicago, Ill.

SIR: I am in receipt of reports from Mr. F. E. Huffer, fiscal inspector, concerning his work in your office in connection with checking and auditing your records covering moneys received by you from the Union Pacific and Atchison, Topeka and Santa Fe railroads. It is noted that a portion of these funds are used by you for miscellaneous purchases in your office and for your personal expenses. It is also noted that you are now, and have been for the past four months, receiving \$300 per month from the Union Pacific Railroad for your own services. This action on your part is not understood, and it is requested that you inform this office upon what authority you receive a salary for representing private interests, and that you submit at once a full report explaining your actions in this matter.

Very respectfully,

A. P. DAVIS, *Acting Director.*

1830 Confidential.]

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
Washington, D. C., November 18, 1909.

The DIRECTOR U. S. RECLAMATION SERVICE.

SIR: After spending about ten days in the Chicago office looking into business methods being used and general conditions, I have the honor to submit the following report: At the present time this office is divided into three sections, namely, publicity or settlement, purchasing, and transportation.

Mr. Perkins is nominally at the head of the entire office, but at present all his time is taken up with the railroad cooperation publicity work, and in preparing and delivering lectures, etc. Attached hereto is a statement showing the organization in this office together with salaries, and the amount properly chargeable to the different sections. In reporting on this office I will first briefly explain the work now being done in each section.

*Publicity.*—At the present time the publicity and settlement work is being done on a cooperative plan between this service and the Harriman lines and the Atchison, Topeka and Santa Fe railroads. Funds are advanced by these roads and disbursed by Mr. Perkins to cover expenses incurred by R. A. Maynard in prosecuting the black tent publicity campaign, for printing descriptive circulars for the various projects, and for the services of additional stenographers preparing and making form letters, circulars, etc. I am not in a position to state what benefits are derived from this work, but Mr. Waite's report will give the number of form letters sent out, inquiries answered, etc., and Mr. Perkins's report will give the number of pamphlets prepared describing the different projects.

*Transportation.*—The transportation section is being conducted under the personal supervision of Mr. Dick. The work consists of auditing and examining railroad and express bills, and the incidental correspondence in connection therewith, tracing and routing shipments, preparing schedules, showing government rates for the different projects, obtaining rebates on account of mileage-book coupons, preparing rebate claims against the railroads on account of contractors' shipments, obtaining concessions, etc., from the various railroads, and many other detail matters in connection with the transportation business.

All of the work in this section is practically up to date.

*Purchasing.*—Mr. F. W. Kirksey is in direct charge of this section. The work consists of making purchases on request from the various engineers located in the field, testing and inspecting materials before they are shipped, arranging transportation for purchases made through this section and following them through to destination. Vouchers are also prepared covering these purchases, which are sent, together with the papers showing the method of making the purchase, to the project offices for payment. In addition to purchases of routine and ordinary nature all contracts for cement are handled through this section. The work of this section is up to date and appears to be handled in a thorough and efficient manner.

*Organization and business methods.*—This office is poorly organized, and as a result the administration is both unsatisfactory and expensive. There is no direct definition of the authority vested in the chiefs of sections, and as much of the work is of a general nature some difficulty is experienced in properly fixing responsibility. All of Mr. Perkins's time is devoted to publicity work, editing manuscript for the project circu-

lars, preparing and delivering lectures, carrying on a voluminous correspondence with various railroad officials and representatives of newspapers, besides arranging for the reception and entertainment of various railroad and government officials. This service receives no direct benefit for his services other than that derived from his publicity work, and, in my opinion, he is a dangerous man to be representing the service in that capacity, as many of his statements (some of which were made in my presence) to prominent officials are utterly false and misleading.

I wish to place myself on record as being strongly opposed to the methods now being used in prosecuting the present publicity campaign in conjunction with the various railroads. This service is undoubtedly receiving benefit; but we should not handle the funds or be held responsible for the expenditures, as the railroads can truthfully say that they have paid us money to advance their interests, and should any difficulty arise in connection with this matter we would be subject to criticism. I am not opposed to cooperative publicity when properly conducted; but I do think it is not only a poor policy, but also dangerous, for our employees to handle and disburse funds contributed by private interests.

Owing to Mr. Perkins's zeal and enthusiasm in prosecuting this work the entire organization has become more or less demoralized, and the machinery for handling the regular work of the office is subservient to this publicity campaign. Mr. Perkins's idea is to eventually build up a large advertising agency in Chicago, to exploit not only the Reclamation Service, but the entire Interior Department. I am not familiar with the Secretary's desire in connection with this matter, but as far as this service is concerned I believe a settlement agent and two or three assistants, reporting direct to this office, would be much more satisfactory and economical. The organization in connection with the purchasing and transportation sections is most unsatisfactory, and as a result they are both expensive and much trouble. Confusion and sometimes delay is being experienced in handling ordinary routine business matters. The work of these two sections overlaps more or less, and the men are working at cross purposes. Mr. Dick, in charge of the transportation section, is most conscientious and is trying to do good work, but he has been hammered and badgered about by Mr. Perkins until he has lost his nerve. He storms and blusters about the office, but does not accomplish anything. He seems to have lost the faculty of probing a subject to the bottom, 1832 and making himself familiar with all conditions; thus, much of his correspondence is incomplete, and many matters are covered by a large pile of letters and drawn out over a period of several months when one clear, concise letter written with a full knowledge of all the facts would settle the entire subject. The purchasing section, under the personal direction of Mr. Kirksey, is doing good work; but he is still in very poor health, and I am very apprehensive regarding the outcome of his trouble. He has no understudy capable of handling his work, and if he should become seriously ill, there is no one in Chicago to take up and handle the work of this section.

The organization of this office has never been satisfactory, and more trouble has been experienced in handling its business matters than in any of the other field offices. This unsatisfactory condition has been brought to your attention several times during the past year, and several attempts have been made to remedy these matters, which have been in a measure successful, but other irregularities have developed, and it will be necessary to reorganize the entire office before satisfactory results may be expected. In view of the foregoing, it is then recommended that action be taken as soon as practicable and the entire office reorganized in the following manner: The publicity work should be absolutely divorced from the purchasing and transportation sections and handled in a separate office under the supervision of your office. Mr. Waite seems to understand this work, and I have no doubt but that he could handle it without difficulty. I know of no place in this office for Mr. Perkins, as he is no business man or administrative officer. A good loyal, administrative man should be placed in charge of this office—one who understands field conditions and requirements.

He should also possess good judgment and tact as this office is a strategic point for the service where business is being conducted direct with corporations and our policies are judged by the character of our representatives.

With a good, live business man at the head of this office the work can be rearranged and the purchasing and transportation sections thrown together, thus eliminating much of the difficulty being experienced at the present time in connection with the definition of duties and authority, etc. I would suggest that Mr. Dick should be allowed to continue handling transportation matters until such time as the man in charge of the office has become familiar with the work, and then his services could be dispensed with. There is nothing difficult or complicated in connection with our railroad work or in securing contracts and concessions, and I am of the opinion that if proper measures are adopted to install a system founded on firm business principles

we will gain and hold the respect of the various railroads, thus establishing a basis for demanding concessions which will be of far more value than the present arrangement.

By referring again to the attached sheet showing the organization of this office, it will be noted that we are now paying about \$30,000 per annum for salaries in Chicago. This is entirely out of proportion to the amount of work being done, and I believe if this office is reorganized along the lines outlined above about one-third of this money will be saved to the service.

Very respectfully,

F. E. HUFFER, *Fiscal Inspector.*

*Chicago office organization.*

Name.	Salary.	Publicity.	Purchasing.	Transportation.
E. T. Perkins	\$3,300	\$3,300		
B. W. Dick	2,280			\$2,280
F. W. Kirksey	1,980		\$1,980	
C. E. Harris	1,800			1,800
J. C. Walte	1,680	1,680		
C. E. Pleasance	1,200	600	600	
K. L. Walker	1,200	1,200		
J. A. Brown	1,200			1,200
Felix Troutman	1,200			1,200
J. A. Moss	1,200			1,200
W. E. Clafin	1,200	1,200		
H. P. Lehman	1,200		1,200	
J. Y. Yates	1,080		1,080	
Clara C. Hellman	1,020		1,020	
Clara Le Quam	1,020		1,020	
Anna P. Malone	1,020		1,020	
D. Etta Stemple	1,020	510		510
R. E. White	1,020		1,020	
J. Clouston	960			960
D. S. Sprague	900	900		
Mazie L. Pascoe	840		840	
Mary F. Theaker	840			840
James Ryan	600	300	150	150
	29,760	9,690	9,930	10,140

1833

[A. P. D.—E. G. L.]

ABOUT 11/18/09.

Mr. F. H. NEWELL,

*Director United States Reclamation Service,  
Chicago, Ill.*

SIR: I inclose herewith report of Mr. F. E. Huffer, concerning the work of the Chicago office.

In view of the facts therein set forth, and of my previously expressed opinions on this subject, I respectfully recommend that the publicity work being handled by Mr. Perkins be discontinued, and that Mr. Perkins be requested to immediately submit his resignation.

I also recommend that the transportation and purchasing work be temporarily placed in the hands of Mr. F. E. Huffer.

Very respectfully,

A. P. DAVIS, *Chief Engineer.*

1833

[Postal. FHN-GFS. F. H. Newell, Director. Night.]

WASHINGTON, D. C., November 24, 1909.

RECLAMATION, Chicago, Ill.:

Secretary Ballinger plans arriving Chicago early next week. Forward full report called for by Davis letter November 17, to reach here, if possible, before Secretary leaves.

NEWELL.

(Confirmed to Mr. Perkins.)

NOVEMBER 24, 1909.

The honorable the SECRETARY OF THE INTERIOR.

SIR: Upon my return to Washington I find your letter of October 29 regarding the Chicago office of the Reclamation Service, copy of which had been forwarded to me in the field, but not received in time for earlier consideration.

On November 22 I was in Chicago, leaving there on the morning of November 23. At that time I took up with Mr. E. T. Perkins in considerable detail the conditions recited in the earlier correspondence and acceded to his request to leave the matter to you for your personal consideration. I did this because of the fact that many of the conditions are those which apparently have arisen from the result of your conversations with Mr. Perkins and Mr. E. O. McCormick, and of subsequent correspondence from your office of which I have had no information.

1834 Reciting the matter briefly, it may be said that in connection with the transportation office in the federal building in Chicago there has gradually developed a need of giving attention to questions concerning the opportunities for home making on the lands reclaimed by the Reclamation Service. From the date of the establishment of the office the time of persons in charge has been necessarily diverted by inquiries made in person by individuals seeking facts which should properly be given out by our employees. The number of these inquiries increased until it was found necessary to detail first one man and then another to give his entire time to visitors asking about the conditions in the arid west.

There has also been a steady demand for written and printed information. Beginning with letter circulars, there has been an increasing distribution of written and printed statements, pamphlets, etc. At the same time there has been a request that some one in the Chicago office, notably Mr. E. T. Perkins, give public lectures before industrial organizations, university students, etc.

The matter of lectures was discussed by Mr. Perkins, and in order to have it of definite record he wrote to me on February 14, 1908, asking authority to give lectures, and on February 24, 1908, I authorized the preparation of these. Copies of the correspondence are herewith attached.

In the spring of 1909, at the time I was engaged in field work, it appears that Mr. E. O. McCormick, assistant passenger director of the Southern Pacific system, called on you in Washington. On May 6, while you were in the Chicago office, Mr. Perkins discussed with you the substance of the conversation with Mr. McCormick. You then stated your position with regard to cooperation with railroads. A memorandum of the matter was made at the time by Mr. J. C. Waite, in charge of the publicity work, who prepared a written memorandum immediately as a guidance for the policy to be followed. It seems to be understood that in taking the matter up directly with Mr. Perkins that it was your desire to handle this matter personally and not through the Reclamation Service. I was unaware of the transaction, and the Washington office was not informed of the agreements made or understanding reached.

On the conclusion of the Senate committee's trip in September I returned East. En route at St. Paul on September 27 learned for the first time of the so-called "Black Tent" lectures, and complaints made by Mr. Louis W. Hill, president of the Great Northern. I took the matter up the next day, September 28, at Chicago, with Mr. Perkins, and called upon him, by letter of same date, for detail information, which was given in his letter to me of October 6, copy of which is inclosed.

Later questions arose in connection with the so-called "United States Land and Irrigation Exposition," and on October 20 I addressed a letter to you in order to bring out definitely your desires, as I was under the impression that you were giving personal attention to these matters. I also instructed our inspector, Mr. F. E. Huffer, to verify the accounts. He brought to the attention of this office for the first time the details regarding the financial transactions. I met Mr. Huffer in Chicago and discussed the entire situation with Messrs. Perkins and Waite, with the result that I agreed with Mr. Perkins that he should see you at the earliest possible date and ascertain definitely your views in relation to this work, as I have a natural hesitation about taking up a matter in which you have dealt directly with Mr. Perkins and others. I have wired Mr. Perkins that you will be in Chicago at an early date and to prepare a full report to be submitted in writing to you covering the points of our discussion.



In my letter to you of October 20 I emphasized the fact, based upon his statements to me, that Mr. Perkins derived no financial advantage from his connection with the various projects mentioned. I am now advised that he has received \$500 per month for the period of four months, \$300 of which Mr. Perkins states is for lectures at the rate of \$50 per lecture for six lectures a month, and \$200 per month for traveling and incidental expenses. Mr. Perkins quotes as his authority letters of February 14 and February 24, 1908, previously referred to. I have written him, however, stating the intention of my letter of February 24, 1908, and emphasizing the fact that there was nothing in my letter authorizing the acceptance of funds contributed by railroads or other corporations with whom we have business dealings directly or indirectly.

As before stated, I wish to leave this matter for your personal consideration with Mr. Perkins. I hope to discuss it fully with you after the conference in Chicago.

Very respectfully,

F. H. NEWELL, *Director.*

1835

[FHN-IMP.]

NOVEMBER 29, 1909.

Personal]

Mr. E. T. PERKINS,  
777 Federal Building, Chicago, Ill.

DEAR SIR: With reference to lectures in Chicago and vicinity, I learn from recent report of Mr. F. E. Huffer, fiscal inspector, and from conversation with you, that arrangements were made by you during the summer by which you were to deliver a series of six lectures per month at \$50 each, or \$300 per month, and that, in addition to these, there has been a fund placed at your disposal to cover expenses, amounting to \$200 per month, all being paid to you by order of Mr. E. O. McCormick.

This fact was not embodied in the report which I requested from you by my letter of September 28, and I have had no memorandum concerning the matter previous to the report of Mr. Huffer, made to me on November 22. In the meantime, relying upon your oral and written statements to me, I had informed the Secretary of the Interior and others that you were not deriving any financial advantage personally from your connection with such matters. In this I find that I have been mistaken, and I must modify what I have written.

In this matter of lectures, you quote as authority the correspondence of February 14 and 24, 1908. It is therefore necessary for me to call your attention to the fact that this authorization did not extend to the degree to which you have assumed. In fact, after thought, it seems to me that you have exceeded the bounds set by good morals and professional ethics, and have violated conditions which it should not be necessary to incorporate in any instructions or authorizations to a federal employee of your experience.

There is often no impropriety and there is no law against a private citizen taking employment with any one of a number of employers. An engineer must, of course, seek work wherever obtainable, but an employee of the Government does not, in the very nature of the case, enjoy the same privileges. The law explicitly prohibits the enjoyment of two salaries from the Government, and executive orders in some cases act automatically in discharging a man from the service who accepts certain classes of employment from others. Thus, it is necessary for a man in federal employment to be more than usually cautious in accepting compensation from outside sources.

As one of the recognized permissible conditions, it has been long understood that men in the employ of the Government may occasionally deliver lectures or write articles outside of office hours, for which compensation may be received. It is the invariable rule, however, that in so doing they shall not in any way interfere with their regular duties nor make the practice habitual without having a clear understanding and record of the matter.

For many years, for example, experts in the Geological Survey have been accustomed to give talks before educational institutions and scientific societies, these being considered desirable as methods of diffusing knowledge. They have usually done this without compensation, excepting refund of expenses or a small amount covering expenses. In no case has a notable fee been received without full understanding. In my own case, while in the Geological Survey, it was arranged that I should give a series of lectures at Yale. I have done so nearly every year, receiving \$100 per year to cover my expenses to and from New Haven and all other items connected with the preparation of material for the lectures. In every case, where I have given an occasional talk, I have

received either the actual expenses or a lump sum in lieu of this, but in no case an amount which could be considered as a full fee for my services, the object, from my standpoint, not being personal gain, but the educational features of the work. This is the case also with Mr. Davis and Mr. Blanchard.

1836 It is a well-established principle that, while an engineer or attorney may obtain employment from different persons, he can not be retained in the pay of persons or corporations having dealings with each other without the full consent of both parties. Particularly is this the case when the relations are those of buyer and seller.

The present case seems to me to violate all of these established principles and to involve not merely yourself but the entire organization in destructive criticism. The authority granted you in letter of February 24, 1908, had clearly in mind the current practice of making arrangements to deliver lectures under the auspices of some educational institution, lyceum, or organization engaged in the diffusion of useful information. There was no thought that it could be stretched to cover a case where you would receive a monthly compensation from a railroad company with whom you, as representative of the Government, have business dealings. The fact that you did not make a written memorandum of this would seem to indicate that you appreciate the impropriety, and the further fact that you stated that you were not deriving any personal gain, and that you permitted me to make this statement unchallenged to others, adds to my convictions on the subject.

It should not be necessary for me to explain that the authority given you on February 24, 1908, does not permit you to make arrangements of this kind. The Southern Pacific system is presenting large claims to the Government for reimbursement for transportation, etc. You are the man in responsible charge of the examination of these claims. The fact that you are personally accepting compensation from the railroad for lectures or other purposes creates a presumption in the mind of every man that there is here a necessity for inquiry, at least. The further fact that it is a matter of public comment that the reclamation fund has been more largely expended along the Harriman system than elsewhere leads many minds to suspect collusion of some kind.

In the present attitude of public men it is easy for those who are looking for improper motives to claim that some cause other than physical conditions or intrinsic merit has led to what (in their opinion) appears to be favoritism toward this railroad system.

If they can point out that you have received moneys of the kind described, their suspicions will seem to be justified in part, and the entire service must suffer as well as yourself.

It is incumbent upon you to show that you have been working in good faith under an agreement with the railroad company to deliver these lectures, and that you have given value received for them, through the delivery of the lectures and not through any favor done to the company. You should immediately cease all such connections by which you profit personally, either directly or indirectly, through moneys derived from any person or corporation with whom, officially, you are doing business.

Mr. Davis on November 17 called upon you for report on this matter. This letter is intended, among other things, to expressly annul any authority you may seem to derive from my letter of February 24, 1908, authorizing lectures to be paid for by any persons or corporations other than those purely educational in scope.

It is expected that you will explain this matter fully to Secretary Ballinger and give me in writing the results of your conversations with him. In the meantime, in accordance with your expressed desire, I have endeavored not to comment upon the matter, other than to rescind my statement that you were not deriving any personal gain and furnishing the facts which are of record, leading up to the inspection by Mr. Huffer.

Very truly, yours,

F. H. NEWELL, *Director.*

1837

[FHN-IMP.]

DECEMBER 3, 1909.

Dr. E. G. LIND,

*Chief Fiscal Officer, United States Reclamation Service.*

DEAR SIR: In accordance with verbal instructions given by the Secretary of the Interior, you are hereby directed to proceed to Chicago as soon as prac-

licable to take temporary charge of the Chicago office during the absence of Mr. E. T. Perkins, engineer in charge. It is the desire of the Secretary that you go very carefully into all the workings of this office and ascertain what, if any, economies can be effected without impairing the efficiency of the force.

The Secretary desires that the business of the Chicago office be confined to the prompt settlement of freight and express bills and to the routing of shipments and such purchases and information as may be requested by the field officers. The publicity work which Mr. Waite is carrying on under the direction of Mr. Blanchard may continue for a time, but should be strictly limited to Mr. Waite, one assistant, and stenographer, and to the answer of inquiries and such related work as will accommodate the public and give necessary information to settlers. The itinerant lecture business is to be entirely omitted.

The Secretary desires it distinctly understood that this assignment of yours is temporary, and that nothing connected therewith is to be construed as a reflection upon Mr. Perkins or his administration.

Very truly, yours,  
(Copy to Mr. Perkins.)

F. H. NEWELL, *Director.*

[Telegram.]

CHICAGO, ILL., *December 3, 1909.*

RECLAMATION, *Washington, D. C.:*

Will you or Secretary authorize me come to Washington, leaving here eighth?

PERKINS.

[FHN—IMP.]

DECEMBER 4, 1909.

Mr. E. T. PERKINS,  
777 *Federal Building, Chicago, Ill.*

DEAR SIR: Your telegram has been received as follows: "Will you or Secretary authorize me to come to Washington, leaving here eighth?" I have already written you that the Secretary desires you to come to Washington to talk matters over fully with him as soon as you are physically in condition to do so.

He has also given instructions for Dr. E. G. Lind, chief fiscal officer, to go to Chicago and make a very careful study of the office force, with a view to making recommendations upon which it may be possible to cut down some of the work there. The office has now been conducted a sufficient length of time to pass well beyond the experimental stages, and for us to put it on a definite routine basis.

Several matters have been established firmly in the minds of the Secretary, the chief engineer, and myself, as follows:

First. That a Chicago office is a desirable feature, especially in connection with the prompt settlement of freight and express bills, the routing of shipments, and the making of eastern purchases, and giving information required by field offices.

1838 Second. That a central warehouse or purchasing agency is not a desirable feature. If the field officers are competent for their work, they should be the best judges as regards details of purchases, especially of the character of business which we will presumably transact during the next few years.

Third. That the consensus of opinion of the best men in the field is that, while the Chicago office has great utility within certain lines, it is not a source of true economy along all of the lines which we have discussed. In fact, it has been thoroughly impressed upon all of us that it is only in accordance with drastic instructions from the director that the Chicago office has been utilized in many instances, and that results have not been as satisfactory as has been expected.

In other words, the Chicago office as a purchasing point is of great benefit but has its limitations, and these limitations must be recognized in considering future work.

The publicity or settlement work, which has been carried on by Mr. Waite, has been limited by order of the Secretary of the Interior to relatively narrow lines, under the immediate direction of Mr. Blanchard. It is apparent that public interest has now been aroused to such point that there is very little need

of calling attention to western opportunities, and as far as we are concerned, we should concentrate upon calling the attention to the opportunities for homestead entry upon reclaimed lands.

In short, the activities of the Chicago office may now be defined and properly limited within a relatively narrow sphere, and the expenses of the office cut down accordingly, especially as the expenditures from the reclamation fund during 1910 will be far less than any preceding year.

The work in the future must be routine in character and handled by men who have shown capabilities for systematically and persistently "sawing wood" along lines prescribed by this office. The period of initiation has passed, and it is our desire to limit the activities to those which experience has shown to be essential.

There are too many large salaries in the Chicago office consistent with this routine, and the first problem to be studied by Doctor Lind, using the experience he has attained in similar studies throughout the field offices, is what to recommend in the way of reduction.

This brings up the matter which I have been considering since I talked with you. It is obvious that you have attained, in connection with the activities of the Chicago office, a wide acquaintance and an experience which will practically be lost to you in routine work. I very much doubt whether you can, after these years, adapted yourself to the process of "sawing wood." In any event, I doubt your success at it. On the other hand, there never was a time when there was so much interest in western activities and when there was such an opening for a man of your experience. It would seem to me the part of wisdom for you to grasp the opportunity and make use of the experience and friendships acquired by you and get into private or corporate work. I see no future for you in the Reclamation Service. It already has a large number of experienced engineers, many of whom are being furloughed on account of reduction of work. The same reduction affects the Chicago office to some extent, but the fact that most of our work in the future will be operation and maintenance will affect it still more.

I wish you would consider this very carefully, as it seems to me to be a waste of energies for you to plan and to hope to build up the Chicago office. It has in the opinion of everyone, I think, reached its maximum, and should be continued simply as a routine organization, one in which you would have little opportunity for display of your abilities.

Very truly, yours,

F. H. NEWELL, *Director.*

1839

[Subject : Report.]

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
777-779 Federal Building, Chicago, December 6, 1909.

The DIRECTOR UNITED STATES RECLAMATION SERVICE,  
*Washington, D. C.*

SIR: I am in receipt of your letter of November 17, 1909, relating to the payments which have been made to me by the Union Pacific Railroad for personal services in connection with lectures delivered. You request to be informed of my authority for such action. In reply I desire to call to your attention my letter to you of February 14, 1908, and your answer of February 24, 1908, in which specific authority is given me to deliver lectures and receive payment therefor, provided that it is done in my own time and does not interfere with the daily routine of the office.

Acting under this authority, after several months of negotiations, I entered into an agreement in August of this year with the Union Pacific Railroad to deliver in Chicago and vicinity six lectures per month on "Reclamation of arid lands," under which I was to arrange for hall, lantern, and operator, and publicity and receive \$50 for each lecture so delivered. Up to the present time I have delivered 20 lectures in various portions of this city and vicinity, and have received \$1,000 in payment for these services and incidental expenses. The lectures have been delivered entirely outside of office hours and have in no way interfered with or been connected with the routine work of this office.

I particularly desire to emphasize the fact that the delivery of these lectures has had no connection with the so-called "black-tent publicity campaign," under which I have expended funds placed in my hands by various western interests. These two matters have had no connection whatsoever, and this fact is distinctly

so stated in letters of authorization from the Union Pacific officials to their disbursing agents to make such payments.

I consider that in receiving this extra compensation I was acting clearly within the authority given me in your letter of February 24, 1908. The lectures are exactly as specified in my letter of February 14, 1908, before schools, churches, clubs, and chautauquas, and, as in the case of others, are educational entirely, there being no mention of any interests or any special localities, the work of the Reclamation Service being my entire theme.

Respectfully,

E. T. PERKINS, *Engineer in Charge.*

DECEMBER 11, 1909.

SIR: You are hereby directed to proceed at the earliest possible date to Chicago, Ill., where you will conduct an investigation into the Chicago office of the United States Reclamation Service, said office being located in rooms 777-779 Federal Building. Your investigations will embrace the following:

1. The methods of conducting business in the Chicago office of the Reclamation Service; that is, whether the methods pursued are the most effective, businesslike, and calculated to produce the best possible results.

2. Whether the same or better results can be attained by a different form of organization with greater or less force than is now on duty in the Chicago office; and whether in your opinion these results could be accomplished more readily and more economically at another location.

3. If, in your opinion, the branch office of the Reclamation Service should be continued at Chicago, you will submit your recommendations as to form of organization to be adopted and class of work to be handled.

In addition to the above instructions, you will thoroughly inquire into the official management of the work of this office, and particularly the relations which those in charge of this office have sustained to railroads or other corporations or officials of the same with whom the business of the office is transacted.

It is understood that Mr. E. T. Perkins, in charge of the Chicago office, has made arrangements with certain railway officials to carry on what are known as the "Black-tent lectures," the money collected and employed for this purpose being expended more or less directly in the name of the Reclamation Service.

You will call upon Mr. Perkins to produce before you all the accounts and data relating to this matter of which you will make a full examination and audit and a report of your findings thereon—in particular as to whether such subsisting arrangement is one calculated to be in the best interests of the public service. You will first call upon Mr. Perkins to submit a full statement in writing of all phases of what has been termed the "Black-tent lectures."

Information has been placed before the department to the effect that Mr. Perkins has made certain arrangements whereby he is to receive from certain railway officials the sum of \$500 per month to deliver lectures and to cover incidental expenses in connection therewith. You may call upon Mr. Perkins to submit to you in writing any statement which he may have to make concerning said charge; and should he submit to you such statement, you will then attempt to verify his statement as far as may be possible from any data, writings, or accounts placed at your disposal.

In making this investigation and preparing this report you should not only become familiar with the business of the office, but should consult fully with Mr. Perkins and also with Dr. E. G. Lind, who was detailed by director's letter of December 3 to ascertain what, if any, economies can be effected without impairing the efficiency of the force.

Doctor Lind will be instructed to give you the benefit of the results of his investigations and of suggestions for further investigations, after which he will return to Washington.

I desire to impress upon you that this investigation will be conducted on your part, as far as may be possible, with discretion and secrecy, and under no circumstances will you disclose any information secured by you in connection with this investigation to anyone, most particularly to representatives of the press.

While on this detail you will be allowed, in addition to your necessary traveling expenses, including Pullman fare on limited and unlimited trains, your

actual necessary expenses of subsistence, not to exceed \$6 per diem, payable from the contingent expenses, Department of Interior, 1909-10, reimbursable from the reclamation fund.

Very respectfully,

Mr. JOSHUA B. CALLAHAN,  
*Office of the Secretary.*

FRANK PIERCE, *Acting Secretary.*

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[FIN—IMP.]

DECEMBER 13, 1909.

Dr. E. G. LIND,  
*Chief Fiscal Officer, Chicago, Ill.*

DEAR SIR: Referring to your instructions of December 3 to prepare a report upon the Chicago office, it is the desire of the Secretary that additional inspection be made, and accordingly he has instructed certain men from his office to take up this work.

You will confer with these gentlemen upon the presentation of proper credentials from the Secretary, and will advise or assist them to any extent which they may request.

Upon the proper intimation from them that your services are no longer needed, you will return to the Washington office.

Very truly, yours,

F. H. NEWELL, *Director.*

P. S.—Herewith are copies of letters of November 24, October 20, and December 3, relating to the work of the Chicago office, which I am sending you to hand to the gentlemen who have come out from the Secretary's office. It was intended to hand them these letters before they left, but the copying was not completed.

F. H. N.

1841  
Chicago, Ill., 14th.

DECEMBER 14, 1909.

CLEMENT S. ÜCKER,  
*Chief Clerk, Department Interior, Washington, D. C.:*

Doctor Lind left Chicago without seeing us. Send us copy of his report to date and result of his investigations.

W. E. EVANS.

Mr. WARING E. EVANS,  
% E. T. Perkins, 777 Federal Building, Chicago, Ill.

DECEMBER 15, 1909.

SIR: I hand you herewith copy of the report which Doctor Lind has just completed. It did not reach my hands until 4 o'clock this afternoon.

Respectfully,

CLEMENT S. ÜCKER, *Chief Clerk.*

W. E. EVANS,  
% E. T. Perkins, 777 Federal Building, Chicago, Ill.

DECEMBER 15, 1909.

Lind's report goes forward to-night; should reach you Friday morning.

ÜCKER,  
*Chief Clerk of Interior Department.*

Charge G. R.

1903  
Mr. F. H. NEWELL,  
*Director U. S. Reclamation Service.*

DECEMBER 15, 1909.

DEAR SIR: In compliance with your instructions of the third instant, directing me to proceed to Chicago and study conditions in our office located at that point,

with a view to making suggestions as to economies that may be effected, etc., I have the honor to submit the following report:

I arrived in Chicago Monday, December 6, too late to do anything. On Tuesday morning I presented myself to Mr. Perkins's office, stated my business, and went to work.

I found the office in an utterly demoralized state. Because of certain changes it was understood were being considered and because of the several inspections that have recently been made, the entire office force was and is very nervous and hardly able to settle down to routine business, a condition of affairs that should be remedied at once. Some one with ability and authority to make a complete reorganization of the office force should be instructed to take charge immediately and bring into effect such changes as may be necessary at the earliest practicable date, and when the changes have been made the clerical force should be given to understand that thereafter they need not expect to be disturbed so long as they attend to their duties. I believe this to be imperative.

Mr. Huffer reported on the Chicago office November 18th that it was spending about \$29,760 annually from the reclamation fund for salaries. He stated that at least one-third of this expense could be saved if the office were reorganized and put on a practical business basis, but after further investigation of this matter I find that the expense can be cut down to even a greater extent. Certainly the expense can eventually be reduced to \$16,260 per annum, and much increase the efficiency of the force.

As the Chicago office is now conducted, Mr. Perkins is its nominal head. Mr. Kirksey, who has charge of the purchasing section, signs his own mail and conducts the affairs of his section altogether outside of the knowledge or assistance of Mr. Perkins.

Mr. Dick, who has charge of the transportation section, conducts the affairs of his section in practically the same manner, leaving Mr. Perkins without any clearly defined duties to perform in connection with the work for which the

Chicago office was organized. This is, to say the least of it, very bad organization, and even if Mr. Perkins were capable of directing the activities of this section, which he assuredly is not, there would still be no good purpose served in keeping up such an organization. The office is entirely too small for it, and the present arrangement does not result in educating understudies who might eventually take charge in event of the chief's illness or resignation. The organization, as I left it in Chicago, is arranged as follows:

Name.	Classification.	Duties.	Salary.
<b>ADMINISTRATIVE.</b>			
E. T. Perkins .....	Engineer in charge .....	No clearly defined duties .....	\$3,300
Mrs. K. L. Walker .....	Stenographer .....	Secretary to engineer in charge .....	1,200
<b>SETTLEMENT.</b>			
J. C. Walte .....	Clerk .....	Settlement agent .....	1,680
D. S. Sprague .....	Junior clerk .....	Secretary to settlement agent .....	900
<b>TRANSPORTATION.</b>			
S. W. Dick .....	Transportation agent ..	In general charge of the office .....	2,280
C. E. Harris .....	Senior clerk .....	In charge of auditing freight accounts, etc. ....	1,800
J. H. Brown .....	Rate clerk .....	Checks freight accounts, etc .....	1,200
J. A. Moss .....	do .....	do .....	1,200
James Clouston .....	do .....	do .....	860
C. E. LeQuam .....	Stenographer and clerk ..	Stenographer and clerk .....	1,020
Mary Theaker .....	Stenographer .....	Stenographer .....	840
<b>PURCHASING.</b>			
F. W. Kirksey .....	Clerk .....	Purchasing agent .....	1,980
H. P. Lehman .....	do .....	Assistant purchasing agent .....	1,200
C. E. Pleasance .....	do .....	Forwarding clerk .....	1,200
R. E. White .....	Clerk and typewriter ..	Writes up advertisements, etc. ....	1,020
C. C. Hellman .....	do .....	Handles requisitions, etc. ....	1,020
J. G. Yates .....	Clerk and stenographer ..	Checks vouchers, etc .....	1,080
A. P. Malone .....	do .....	Takes dictation of purchasing agent, etc. ....	1,020
M. L. Pascoe .....	do .....	File clerk, etc .....	840

In the interest of efficiency and economy I propose an organization such as the following:

1 general purchasing agent.....	\$2, 400
1 chief clerk .....	2, 250
2 rate clerks, at \$1,200.....	2, 400
1 clerk to act as rate clerk and forwarding clerk.....	1, 200
3 stenographers to work for the transportation and purchasing sections when necessary, 1 at \$1,080, 2 at \$1,020.....	3, 120
1 clerk for files.....	1, 020
1 voucher clerk and stenographer.....	1, 020
2 clerks, details of purchasing, \$1,020 and \$1,200.....	2, 220
1 office boy .....	600
<b>Total.....</b>	<b>18, 260</b>

This organization is based upon the present needs of the service in Chicago, provides for no increases in salaries, but places each clerk on exactly the same pay basis as those performing just such duties in commercial concerns. Even should it be desirable to increase a salary now and then, or even should it ever become desirable to employ an additional clerk, I am quite certain that the salary expense could easily be kept down to within the \$20,000 mark, which would be a saving of approximately \$10,000 per annum, but for the present at least \$16,260 would be ample for all clerical purposes. This cuts the clerical expense down 45 per cent, or even more than Mr. Huffer estimated. It must be borne in mind, however, that this does away with publicity work in Chicago. You will note that the organization I propose provides for one reduction in pay and no promotions. It would take approximately ninety days to bring about just such an organization, but the right man can certainly effect it. As the Chicago office is now arranged there is one chief for the entire organization, two chiefs for the transportation section, consisting in all of seven clerks, and one chief for the purchasing section, who has seven clerks under him. This is, of course, very expensive organization and would not be tolerated in a commercial house.

The organization mentioned above provides first of all for a chief 1995 or general purchasing agent, who will keep in close touch with all the work of his office and, having a knowledge of all details, inspire his clerks with confidence and respect. This is something the Chicago office has long needed and what it must ultimately have if good results are to be obtained.

This man should also be familiar with the physical conditions in the field, possess the confidence of the engineers located there and in your office, whom he ought to know personally. He should have a good address and should have had good all around clerical and commercial training in this service. No other man can make a success of it. It goes without saying that he should be tactful and be a first class administrative officer. He should sign his own mail, be thoroughly in touch with everything that goes on in his office, know each man personally, and what each one can or can not do, so that he may intelligently transfer his clerks from one position to another, in order that his office may produce understudies instead of specialists as is now the case. He should have his desk in the large room now occupied by Mr. Kirksey's force and move the entire force in with him. It would probably be necessary for him to screen off a portion of that room so that he may enjoy a little privacy, should occasion require. The chief clerk should be an understudy to the general purchasing agent and should have charge of the office during the absence of that officer. He would assist the general purchasing agent in carrying out the details of certain matters he might not have to look into personally, and perform routine duties in connection with the purchasing and transportation. I believe now that no other high-priced clerk will be necessary in the office. Two good men holding positions such as I have mentioned could certainly direct all the activities of the 10 clerks and 1 office boy above mentioned.

There are other reasons for consolidating the two sections. As it is now, a clerk working for the purchasing section does not learn anything in regard to transportation work. This is all wrong. Certainly the transportation work should be subordinate to the purchasing work, for after the purchase has been made the next step is to arrange for its transportation. The transportation work is merely an adjunct to the purchasing work, as the bulk of the transportation work is the auditing of bills of lading issued by Chicago and field officers on purchases made. At present when a clerk is not busy in the purchas-



ing work he can not be used in the transportation work without friction, so he does nothing. The same thing is true in the transportation section. This generally results in the employment of extra clerks and brings about anything else but a friendly spirit of rivalry, but is bound to cause jealousy and friction. Were these sections consolidated the clerks could be switched about from one place to another, would not be idle a moment, and would be learning the entire business—purchasing, transportation, etc. They would take even more interest in their work, and better results would be obtained in every way. There is nothing wonderful in the carrying out of our purchasing and transportation work. A good clear headed business man with proper experience could easily direct the entire work. As a matter of fact, the purchasing work requires much more ability and experience than the transportation work does, for the transportation man after he receives his bills of lading has only his tariff sheets, etc., to consult in order to finally audit the account, which is more like applying the principles of the multiplication table than anything else I can think of.

Another good purpose would be served by consolidating these sections and moving them all in one room. Just now 3 separate files are kept. This means a great deal of running about and transferring of papers from one file or room to another. All this could be done away with. The other rooms in the office can be used for the storage of various articles, providing a place for field engineers and others to attend to their correspondence or to hold conferences, or similar purposes. Of course, just now the work of the service is at a low ebb, and if all signs are true it will not be larger for some time, but it would be well to hold on to these rooms should our work ever become so large that they may be needed.

Beyond any question of a doubt, with the right man at the head of this office, and with the organization as I propose it, Mr. Dick could let two of his clerks go and so could Mr. Kirksey, and in addition Mr. Perkins and his stenographers need not be kept.

It would at present be impossible to give the names of all employees to be retained or dismissed. That could only be determined after they had been moved into one room and the versatility and the adaptability of each one tried out. This will take but a few weeks in some cases, longer in others. It goes without saying, however, that whoever is placed in charge of the entire force will recommend no dismissals at once, but take over the entire force as it now is, and give each clerk a square deal and fair trial before making his final decision as to his or her efficiency.

In outlining this organization, I would strongly urge that Mr. Kirksey be made the general purchasing agent and Mr. Dick the chief clerk. Mr. Kirksey 1996 is one of the best all around clerical men we have in the service. He has had wide experience in the field, possesses the confidence and respect of the field engineers, is tactful, firm, and fair, and does not play favorites. He is not easily stampeded and is a splendid administrative officer. He has the work of the Chicago office at his finger's end, and I know of no other man to fill this important place.

As you probably know, our best men are fast leaving the service on account of unsettled conditions, and even if Mr. Kirksey were not the best man for the place, which he assuredly is, I know of no one else to suggest for the position. He has made good in every place he has been assigned to.

Mr. Dick would make a good subordinate under Mr. Kirksey. He has not had sufficient commercial experience to fill this place, nor has he ever had field experience in this service. I believe he will gain wide experience under Mr. Kirksey, and have opportunities of development that he would get nowhere else.

I have talked over with Mr. Kirksey and Mr. Dick the matter of consolidating the Chicago office force and both agree with me that it is the only thing to do, and furthermore that when it is done many other economies not here mentioned and which may be of minor importance may be brought about.

The most important thing to make clear in this report is that Mr. Perkins should not be retained at the head of this proposed organization. Anyone I can think of would be a better man to fill a clerical position in this service than Mr. Perkins. He has never had clerical experience, has never shown administrative ability, and is too impulsive. It seems to be impossible for him to grasp an idea that carries with it the thought of economy. He is not an economical man. One of his main ideas since he has had charge of the Chicago office has been to surround himself with as many clerks as possible, reach out for more authority for his office, and to increase rather than to decrease expenses.

Investigation demonstrates the fact that he knows nothing of the details of transactions being carried on in his office, and because of this fact fails to inspire his clerks with confidence and respect. He talks well in general terms, but when pinned down to facts it has been found that he has a very incomplete knowledge of detail transactions. I do not believe Mr. Perkins would ever adapt himself to routine office work, and in fact his training has been such that it could hardly be expected of him. I learn until he came into the Reclamation Service he had had some experience in a minor branch of engineering—that of topographer—but the Chicago office does not require the services of an engineer of any kind. What is needed there is a good all-around business man.

It is generally known to the field officers that through Mr. Perkins's lack of tact and ordinary judgment he has been involved in so many controversies with engineers in the field that for a while some of them refused to do business with his office at all. I believe now that Mr. Perkins would be placing very few orders for the various engineers had not Mr. Kirksey been sent to Chicago to take charge of this work, and as a result I hear of no further complaints in regard to the purchases and forwarding of material, and this work is carried on absolutely without reference to him. There is little or no loyalty to Mr. Perkins in the Chicago office.

I believe Mr. Perkins to be temperamentally unfit to hold his present position. What I have said about Mr. Perkins's ability is not new. It is known to practically everyone in the service. The main trouble in Chicago, I repeat, is Mr. Perkins, and as long as he stays there no better results can be hoped for or looked for.

The facts are that, exclusive of a few railroad contracts completed, and which of necessity would have been completed in any event by anyone possessing the necessary authority, results for transportation work as well as for purchasing work are because of the efforts of the transportation and purchasing agents, whose services could have been dispensed with years ago and their duties carried on by a good chief clerk, provided, of course, Mr. Perkins had been the proper administrative officer, with the reins of his office in his hand. To illustrate this, I may add that all purchases for the current year, aggregating approximately \$500,000, have been handled absolutely without reference to him, and during that period the records of his office fail to show that he has written a single letter or considered a single proposition in connection with this work. This may be partially accounted for by his previous failures to make good, resulting in complaints being made by the field offices, which resulted in your turning over this work to Mr. Kirksey. It serves the purpose, notwithstanding, to demonstrate beyond question to just what extent he is responsible for the carrying on of the work by his office.

Further investigation develops the fact that, aside from the publicity work, if called upon, it would be an impossibility for Mr. Perkins to show you or any other disinterested person how he can be in any way identified with the actual work of his office, and naturally it goes without saying that an efficient officer would be felt throughout all of these transactions.

1997 I say what I have without any feeling whatever. I have always liked

Mr. Perkins, while I never had any respect for his ability. He has always treated me in the most courteous manner, except on the occasion of my last visit to Chicago, and that I am willing to let pass. I am under personal obligations to him for a number of courtesies and shall not soon forget them, but in spite of all this, I say, because my duty requires it, that the Chicago office is suffering from extravagance and poor organization, and all of this is because of Mr. Perkins's lack of administrative ability. This office has been for several years the one sore spot in the Reclamation Service organization, and until Mr. Perkins is removed from office better results need not be looked for. While in Chicago I went into the details of all the work performed by every clerk in the office, save the work under Mr. Walte. I make no comment in regard to that.

I completed my work in Chicago on December 12 and left at once for Washington.

Respectfully submitted.

*Chief Fiscal Officer.*

1845

DECEMBER 27, 1909.

SIR: Pursuant to instructions of the Acting Secretary of the Interior, of the 11th instant, we proceeded to Chicago, Ill., for the purpose of conducting an investigation into the Chicago office of the United States Reclamation Service, and respectfully submit the following report of our investigation:

We found the office to be in a very disorganized state and its methods, as now conducted, far from businesslike. While Mr. E. T. Perkins is nominally the officer in charge, the work is so divided that there is a "purchasing clerk," who signs all mail pertaining to purchases and carries on the work incidental thereto, with a clerical force entirely under his own supervision. The same condition obtains with regard to the work of the "transportation clerk." The head of the office does not seem to have any authority or be permitted to exercise any control whatever as to the real and important work for which, it seems, the office was established. He opens and distributes the mail, but does not even sign the letters sent; nor is he consulted by either of the officers above named in the transaction of the business of their respective branches. Upon inquiry as to the cause for this arrangement or condition of affairs, we were informed that the responsibility rests entirely with the Washington office.

Mr. Perkins has apparently devoted all his time since August last to the work incident to carrying out the so-called "black-tent campaign" and the preparation of illustrated pamphlets relating to the various field projects. We treat later upon this subject.

The present office force consists of:

*General administration.*

Engineer in charge.....	\$3, 300
Stenographer and file clerk.....	1, 200
Stenographer.....	1, 020
Messenger.....	600
	<hr/> \$6, 120. 00

*Transportation branch.*

Transportation clerk.....	2, 280
Clerk.....	1, 800
Two clerks, at \$1,200 each.....	2, 400
One clerk.....	960
One stenographer.....	1, 020
One stenographer.....	840
	<hr/> 9, 300. 00

*Purchasing branch.*

Purchasing clerk.....	1, 980
Two clerks, at \$1,200 each.....	2, 400
Two clerks and typists, at \$1,020.....	2, 040
One clerk and stenographer.....	1, 080
One clerk and stenographer.....	1, 020
One clerk and stenographer.....	840
	<hr/> 9, 360. 00

24, 780. 00

We are strongly of the opinion that an office at this point, and preferably at this point, properly organized and conducted, will be of great value to the 1846 service; and we recommend the following organization, by which, in our opinion, the work can be conducted in a systematic and satisfactory manner:

General agent.....	\$3, 000. 00
Chief clerk.....	2, 500. 00
One clerk.....	1, 800. 00
Two clerks, at \$1,500.....	3, 000. 00
Two clerks, at \$1,200.....	2, 400. 00
Four stenographers and typists, at \$1,000.....	4, 000. 00
Messenger.....	720. 00
	<hr/> 17, 420. 00

We beg to state that it will be impossible for the efficiency of the office to be maintained unless the chief has absolute authority and is held responsible for the work of the office. He should be familiar with all the details of the work, have the confidence of his employees, and the hearty cooperation and support of his superiors. The work to be confined strictly to the purchasing of supplies for the various projects, the transportation of the same, auditing bills therefor, and the securing of concessions, etc., from the various railroads.

We learn from the records of the office, and upon inquiry, that the present head of the office, through his personal efforts alone, obtained contracts and concessions from the different railroads by which a saving was gained to the Government of \$1,300,000, covering the period from January 1, 1905, to November 30, 1909, \$575,000 of this amount being on shipments during the past eleven months. In this connection we desire to state that in our opinion the railroads have nothing to gain by making these concessions, other than the benefits derived from future settlement along the projects. Nearly all the present projects are reached by one road only, and consequently no favoritism could be shown in the shipment of freight, etc.

Under the proposed organization, the present methods would continue, with the exception of the vouchering work, which, we think, should be turned over to the fiscal agents at the projects, who have the necessary force to do this work and who ultimately pay the vouchers, no payments whatever being made at the Chicago office. The reason advanced for, vouchering accounts at this office is that discounts on a certain class of purchases may be obtained by payment within ten days after delivery. There is no reason, however, why the fiscal agent at the project can not obtain the discount, in the same manner, by acting promptly.

There would, of course, be but the one set of files, where at present there are three; and there are other minor details or work that can be abolished, and which will suggest themselves to a proper executive officer.

This would also, as will be seen, merge the purchasing and transportation work under the one head, where it should have been originally.

The work of the office should be so conducted as to enable the clerks to become familiar with the duties of each other, no matter what classification of work may exist.

The proposed organization can be made from the present force. We find the gentlemen in charge of the branches named to be most capable and efficient officers; and can say the same of the employees in their respective offices.

Mr. Perkins impresses us as possessing good administrative ability, and as being fully able to carry out the intent and purpose of this office.

Mr. Dick is a most efficient man, and thoroughly familiar with the office in all its branches, having had previous experience in the purchasing branch, besides being a competent railroad accountant.

Mr. Kirksey is also a very capable man and is conducting his work, under the present arrangement, in a businesslike and satisfactory manner. We do not think, however, that he possesses the qualifications to be at the head of the office. Being in poor health, the nature of which precludes his activity, he is confined to the office, while, in our opinion, the administrative officer should be able to visit the interests with whom business is conducted. It is often found necessary to ask certain favors at the hands of the railroad officials. For instance, the hurrying up of shipments, the securing of freight cars when the need is urgent, adjusting differences as to charges, and no doubt many other little matters pertaining to the work. So it will be seen that he should not only be an active man, but should also possess tact and be of pleasant address and bearing. Such results are not obtained, to our thinking, by mere written requests.

The gentlemen named gave us every assistance in our work, answering questions and furnishing information most cheerfully, and they agree with us as to the urgent necessity of reorganization of the office, the consolidation of the work under the one head, and the consequent reduction of the force.

Under a plan of cooperating with various western railroads in advertising the reclaimed lands, with a view to promoting settlement at the various projects, an agreement was reached by which the Chicago and Northwestern, Atchison, Topeka and Santa Fe, Union Pacific, Southern Pacific, Oregon Railroad and Navigation Company, and Oregon Short Line, through Mr. W. G. Nelmyer, gen-

eral agent of the Union Pacific Railroad Company, acting for said roads, placed to the credit of Mr. E. T. Perkins at various times sums of money aggregating \$8,000. This fund was used as carrying on the so-called "black-tent lectures."

*Audit of black-tent lecture fund.*—We called upon Mr. Perkins for all papers, vouchers, or receipts, paid checks, and his bank book. Everything we asked for was furnished us without hesitation, and every facility was given us to make a complete examination. Our first action was to have the bank book balanced, in order to show the checks paid in detail and the unexpended balance on hand. Then we verified the amounts received by statements from the railroads showing the contributions for this work. We found that all the funds received had been expended, and proceeded to determine the nature of the expenditures and the correctness of the vouchers and receipts submitted. We found vouchers or receipts for each expenditure; that all payments had been made by check and were supported by paid checks in our possession. The expenditures seemed to have been reasonable, and were fully and accurately accounted for. Following is a statement of receipts and expenditures, showing under a few general heads the nature of the expenditures. We advised Mr. Perkins to ask for authority to turn over to the railroads or to dispose of the "black-tent lecture" equipment.

#### STATEMENT—BLACK-TENT PUBLICITY CAMPAIGN.

(December 22, 1909.)

##### *Amounts advanced.*

1909.		
Aug. 16.	To E. T. Perkins-----	\$1, 400. 00
21.	To A. L. Lomax-----	200. 00
Sept. 3.	To E. T. Perkins-----	500. 00
13.	To E. T. Perkins-----	400. 00
20.	To E. T. Perkins-----	1, 000. 00
Oct. 11.	To E. T. Perkins-----	1, 000. 00
Nov. 1.	To E. T. Perkins-----	1, 000. 00
17.	To E. T. Perkins-----	1, 000. 00
26.	To E. T. Perkins-----	1, 500. 00
		<hr/>
		8, 000. 00

##### *Disbursements.*

Miscellaneous expense.....	\$2, 670. 84
Chicago office.....	607. 50
Stereopticon outfit.....	327. 31
Equipment.....	534. 58
R. A. Maynard.....	1, 368. 83
Milla T. Maynard.....	301. 64
Verne W. Mackey.....	517. 18
W. W. Paton.....	225. 01
Eugene Frank.....	637. 38
J. D. Reeve.....	728. 37
E. T. Perkins.....	63. 71
G. W. Westerdahl.....	17. 65
	<hr/>
	8, 000. 00

Under a personal agreement between Mr. E. O. McCormick, assistant traffic director of the U. P. R. R. Co., etc., and Mr. E. T. Perkins, there was placed to the credit of Mr. Perkins at various times the sum of \$800, to be used in maintaining an office in Chicago to distribute literature, etc. The details of this office work were practically under the supervision of Mr. J. C. Waite, of the settlement bureau audit.

We found the expenditures for this work supported by proper vouchers and receipts from the persons who rendered service or furnished supplies, excepting some small expenditures for lunches for various persons visiting Chicago in the interest of the publicity work, which expenditures were supported by memoranda and receipts given by Mr. Perkins.

The following statement will show the receipts and expenditures for this fund:

MAINTENANCE OF PUBLICITY OFFICE.

(Outside of Federal Building.)

*Funds advanced by general agent, U. P. R. R.*

1909.

Aug. 2. For office maintenance.....	\$200. 00
Sept. 3. For office maintenance.....	200. 00
Oct. 11. For office maintenance.....	200. 00
Nov. 1. For office maintenance.....	200. 00
	<hr/> \$800. 00

*Expenditures.*

Office rent.....	270. 00
Temporary and emergency employees.....	99. 35
Office equipment.....	219. 56
Office maintenance.....	148. 81
Miscellaneous expenses.....	45. 35
	<hr/> 783. 07
Balance on hand.....	16. 93

The balance of \$16.93 is covered by outstanding liabilities.

Under this same arrangement between Messrs. McCormick and Perkins, the latter was engaged to deliver 24 lectures, covering a period of four months, at the rate of \$50 per lecture, or \$1,200 for the series. These lectures were in the interest of the publicity work, and were to be given in or near Chicago. Mr. Perkins, at the time of our visit, had delivered 17 of these lectures, and had 7 yet to deliver; and states he has the verbal authority of the Secretary, given to him while in Washington, to complete his contract with the railroads for the remaining 7 lectures, when all such work shall cease. No account was kept or rendered for this fund. On Friday evening, December 17, it was our privilege to attend one of these lectures, given in a school building at Southport, on the outskirts of Chicago. The lecture was interesting, instructive, and was well attended, about 300 people being present. This attendance was below the average, owing to unfavorable conditions, the night being very cold and it being near the Christmas season.

All the expenses necessary to the conduct of these lectures, such as renting halls when necessary, obtaining slides for the lantern, and hiring a man to operate the lantern were to be borne by Mr. Perkins out of the \$50 per lecture paid him by the railroads. We have endeavored to learn from the railroads (from outside parties as well as from the office force) whether or not any partiality has been shown for any particular projects, or that any railroad has been favored in these lectures. The railroad officials we have had conferences with speak very highly of the lectures and the lecturer, and say the lectures have been of great benefit in getting before the people lands awaiting settlement, which the Government has no money to advertise or exploit. The lecture we attended was certainly impartial, and treated of projects both in the Northwest and the Southwest. No literature was distributed, nor was reference made to any railroad line in this lecture. We do not feel that the Government has been injured by these lectures, or that Mr. Perkins has acted in bad faith; nor can we find that it has in any way interfered with his official duties, or that any of the work was done during office hours. We believe that Mr. Perkins has given value received for the twelve hundred dollars (\$1,200), or \$300 per month for four months, paid him by the railroads, and that it was paid by the railroads only in the interest of the scheme of advertising the lands, and not that it would bring any business to them through Mr. Perkins. The Government has received from the railroads concessions which have saved to the service one million three hundred thousand dollars; and these concessions were made by the railroads to the Government to aid in reclaiming these arid lands. This the railroads think is good business policy, believing their returns will come when the lands are settled upon and they will gain the new business resulting therefrom. To show the interest of the railroads in these lands, and their

wish to get the people on them, Mr. McCormick, of the Union Pacific Railroad Company, told us that the railroads were going to make a special or settlement rate of \$30 instead of \$52 from Chicago to California, to induce the people to go and take up these lands. Mr. McCormick also told us that it was mostly 1849 through the *personal* efforts of Mr. Perkins that the railroads were induced to grant the valuable concessions above mentioned to the Government, and that it was through the personal efforts of Mr. Perkins that many of the favors shown the Reclamation Service, such as obtaining cars and immediate shipment of supplies and materials to the projects, were obtained. The authority for Mr. Perkins to enter into contract with the railroads to give these lectures, for which he received compensation, he considered ample, under the letter of the Director of the Reclamation Service of February 24, 1909, and he, Mr. Perkins, was under the impression that the director was aware of the fact that he was receiving compensation for the lectures, as he had verbally informed the director of that fact when he (the director) was in the Chicago office on September 28, 1909. (See copy of statement of Miss Kathryn L. Walker, junior clerk, herewith.)

Very respectfully,

W. E. EVANS.  
JOSHUA B. CALLAHAN.

**THE SECRETARY OF THE INTERIOR.**

I, Kathryn L. Walker, junior clerk in the employ of the United States Reclamation Service, was present during an interview, September 28, 1909, between Mr. F. H. Newell, director, and Mr. E. T. Perkins, engineer in charge of the Chicago office, and unavoidably overheard their conversation regarding the "Black-tent publicity campaign." I distinctly remember the statement of Mr. Perkins that he was receiving extra compensation for lectures delivered, but that it had nothing whatever to do with the "Black-tent publicity campaign." I can not recall the exact words, but my recollection is very clear as to the substance of what was said. The statement was made just as Mr. Newell was beginning the dictation to me of a letter, and it is possible that he did not hear or fully understand the statement.

To this I am willing to make affidavit.

(Signed)

KATHRYN L. WALKER,  
Junior Clerk.

CHICAGO, ILL., December 7, 1909.

1841

[EGL-TEB.]

DECEMBER, 31, 1909.

The DIRECTOR U. S. RECLAMATION SERVICE,  
Washington, D. C.

SIR: On leaving I feel that I must put on record my conclusions with regard to the Chicago office, as it is apparent that results injurious to the service may occur as an outcome of the events of the past few months. The instructions from the Secretary practically forbade my discussing them, but as I am now going into other business of my own motion I am relieved of the official pressure and can and should speak freely of this matter, so that you may perhaps be able to guard the good name of the service. The men sent out by the Secretary will presumably justify Mr. Perkins in his actions, but whatever may be stated it is a fact that his continued presence in the service will be a menace to efficient and honest endeavor.

1842 The Chicago office is an important and at the same time a most dangerous factor in the business management of the Reclamation Service. The man at the head of it must not only be skilled in the duties, but must be above suspicion. It has been shown that large suspicion does attach to the present management, and it is inevitable that the conditions will in the future be widely known and subject to unfavorable comment.

In brief, it is now established that Mr. Perkins had a secret arrangement with a leading Harriman official by which the financial agent of the Harriman line in Chicago delivered to Perkins each month a check for \$500, without knowing the reason for such payment and not having any accounting. At the same time Perkins, as agent for the Government, had the control of business affairs by which he could favor this road.

The \$500 monthly check was so cleverly concealed behind the so-called "black-tent" fund that it was only by the most searching investigation that it was found. Perkins, when charged with receiving money personally, denied this em-

phatically, and then when the falsehood was discovered made an effort to prove that he was talking about something else.

Going into the matter in logical order, it may be stated that in connection with the examination of business methods in the field offices, attention was continually called to the unsatisfactory condition of the Chicago office, and it was appreciated that some radical action must be taken to make this more effective if the field work was to be expedited.

In the winter of 1908-9 the attempt was made to put the Chicago office on a better business basis. The work had dropped behind very badly. There were continual complaints, and while, in my opinion, the trouble rested primarily with the head of that office, yet the attempt was made to see whether by introducing better system more satisfactory results could be obtained.

Perkins had been given full authority and every facility afforded him for developing the very best methods, practically no limit being placed upon the number or character of people to be employed. But he had failed to provide any effective system, with the result that when he became sick chaos reigned and the work dropped still further back.

*Dissatisfaction of field men.*—The dissatisfaction of the field men with the conduct of the Chicago office has been very intense, and it has required the authority of the Washington office continually exercised to compel the adoption of methods which, while theoretically excellent, have failed in part through lack of continuous attention by Perkins. It is, of course, easy out of the hundreds or thousands of instances to point out examples of success or failure of any method, and Mr. Perkins with the great opportunities offered him can claim credit in specific instances and show where he could have done better, if the field men had put matters in his hands, but in all of these complicated details it is not the exceptional case which should be considered, but the continuous performance and uniformity of success attained month after month.

The reorganization effected during the early part of 1909, while it improved matters and tended to bring business more nearly up to date, was not as effective as it should have been, because of the fact that although Perkins had full authority over the office and had been given good advice and provided with ample means, yet he did not rise to the occasion, and in fact, during 1909, he neglected the business, devoting most of his attention to other matters.

His failure to give intelligent direction to the work was even more pronounced, and his absence from his desk became more and more apparent. Instead of giving his subordinates effective and consistent advice, his attitude was erratic and more of interference with systematic routine than of aid. His naturally restless disposition asserted itself in going into many matters which were not reported to the Washington office and which were kept concealed as long as possible. He afterwards attempted to justify this by saying that he had personal—oral—orders from the Secretary covering these violations of orders.

The weak point in regard to Perkins, and one which has been appreciated for some time, is his inability to systematize and to handle routine work. His strong point lies in his temporary enthusiasm, under the stimulus of which he will for a short period accomplish large results, followed by times when he neglects all routine duties or even interferes with his assistants by trying illy considered changes.

He claims great credit for saving vast sums of money by his personal relations with railroad men, but in this he greatly exaggerated the true conditions. The idea of entering into specific agreements with the various railroads in transportation of freight for the Reclamation Service seems to have been first suggested and put into practice by A. L. Fellows, engineer at Denver, Colo. After

being approved by the department it was extended by F. H. Cass. The 1843 attention of Perkins was called to it at a time when it seemed advisable to provide him with other employment from that on which he had been engaged. It was believed that with his genial manners and knowledge of the existing field conditions, he could be successful in still further extending these agreements. In this matter he displayed considerable initiative and was quite successful, but it is believed that almost any other well-informed engineer of the Reclamation Service with his previous experience could have done as well. The special credit which he claims for this work can hardly be considered by anyone who has intimate knowledge of the development of the system.

On the other hand, his neglect of details of routine work to make these agreements fully effective more than compensates for any especial energy in getting the agreements.

The most serious condition, and one which can not be satisfactorily explained, is the receiving of money secretly from the Harriman system. Persistent



rumors of so-called "graft" were afloat in the fall of 1909, but could not be traced. Perkins was asked definitely and unqualifiedly the question as to whether he did receive any money and he denied absolutely that he had done so, justifying himself afterwards by the allegation that he had in his own mind changed the subject to another matter, namely, the black-tent fund, and that his answer pertained to the black-tent fund and not the secret fund, which he asserted was not under discussion.

He succeeded in maintaining this secrecy until during the auditing of the black-tent fund it was discovered that certain other checks than those for the black-tent fund, each of \$500 per month, were being drawn in E. T. Perkins's name and delivered to him personally, and for which he was not submitting any vouchers nor explanations, nor did the railroad official who drew the checks know the purpose for which they were drawn. There was no auditing and no accounting for these sums, but it was understood that the money was paid to Perkins to be utilized by him without explanation.

This transaction justified the suspicions which had been afloat. The fact that a government employee who had in his hands business dealings with this corporation amounting to tens of thousands of dollars was receiving secretly from the corporation certain sums of money, is in itself damaging not simply to the reputation of the man but to that of the organization.

Much of the information given above I have obtained from Mr. Huffer, who personally audited Mr. Perkins's accounts, but I feel that it is only right that I should place both of us on record, so that when these matters are given the light of publicity—which will happen sooner or later—you will have something on file which may serve to protect the service.

Very respectfully,

E. G. LIND, *Chief Fiscal Officer.*

1843

[Copy. TEB.]

THE SECRETARY OF THE INTERIOR.

*Washington, January 14, 1910.*

SIR: I have received the report of Messrs. Evans and Callahan of their investigation of the Chicago office of the Reclamation Service, made in pursuance of the directions given by me. I am also in receipt of a copy of the report upon this office made by then Chief Fiscal Officer Lind, in pursuance of your instructions of December 3, 1909. Both reports have received careful consideration. Both reports reach the same conclusion as to the necessity for an immediate change in the methods of conducting the work of the office. In other respects the report of Messrs. Evans and Callahan appears to be the more impartial, and will therefore be used as a basis for carrying out the instructions herein given. A copy of said report is herewith.

1844 The report states that the present methods of the office are far from businesslike, and that the instructions issued by your office to the persons in charge of the various branches of the Chicago office did not have in mind the consolidation of all the work of that office under one head who could be held responsible for the proper performance of the work of the entire office. The result is that the present organization consists of practically three separate offices, each with its necessary clerks and equipment, yet nominally under one head. This division of authority has tended to create discord rather than harmony, and it is believed is largely responsible for the apparent friction which exists among the employees. The office appears to have accomplished the work laid out for it in a manner as well as could be expected under the circumstances. That it has not been more efficiently conducted is unquestionably due to its organization and method of doing business. Messrs. Evans and Callahan state that in their opinion the future work of this office can be of great value to the service if properly conducted, and suggest that an organization somewhat like the following will be conducive to the best results at a minimum expense to the service:

General agent-----	\$3, 000
Chief clerk-----	2, 500
One clerk-----	1, 800
Two clerks, at \$1,500-----	3, 000
Two clerks, at \$1,200-----	2, 400
Four stenographers and typists, at \$1,000-----	4, 000
Messenger-----	720

17, 420

They further state that Mr. Perkins impressed them as possessing good administrative ability and of being fully competent to carry out the intent and purposes of this office when put upon a new working basis, as well as to reorganize the same.

With regard to the series of lectures recently given by Mr. Perkins in cooperation with certain railroads, with a view to advertising government reclamation projects, the report states that all of the accounts relative to the fund contributed by the railroads were carefully audited and found to be correct. From an examination of the statement of disbursements included in said report it appears that all of said expenditures were proper ones chargeable against said fund, and for reasonable amounts, and that properly receipted vouchers for all of said expenditures were secured.

With regard to the series of lectures given by Mr. Perkins in the interest of the publicity work it appears that in all the sum of \$800 was placed to his credit, which fund likewise appears to have been expended under direction of Mr. Perkins in accordance with his agreement with the contributors. The details of the office work under this agreement, it is reported, were under the supervision of Mr. Waite. It further appears that in connection with this series of lectures no literature was distributed and that no partiality in treating of the projects in any given locality was shown, and, further, that Mr. Perkins, by reason of your letter of February 24, 1909, was under the impression that the permission contained in said letter was with the understanding on the part of the Washington office that he, Perkins, could properly receive compensation for the lectures to be given by him at no expense to the Government and upon his own time. The Chicago office is not now engaged in any publicity work outside that conducted through correspondence by Mr. Waite, and it is desired that this course be pursued in the future, and that all necessary and advisable publicity be handled by the Washington office, which Mr. Perkins was verbally advised.

To carry out the essential recommendations of Messrs. Evans and Callahan it is directed:

(1) That immediate steps be taken to organize the office along the lines above suggested in order to eliminate all unnecessary employment and expense as well as to place the entire responsibility for the conduct of the office under one head.

(2) That until otherwise directed Mr. Perkins be placed in entire charge of the office and held responsible for the efficient conduct and management thereof.

(3) That the functions of the office be confined—

(a) To transportation matters in general as they now constitute the work of the office.

(b) To the purchasing of such supplies and materials as in the opinion of the supervising and project engineers could be secured through the said office at a saving to the Government. In this connection the facilities of the Chicago office should be utilized whenever possible.

(c) To the expediting of shipments of supplies and materials and related matters.

(d) That the settlement work of the service, in so far as the same is handled at Chicago, should be under the entire supervision of the Washington office.

1845 (4) That monthly reports of the condition of work and amount of business transacted be submitted to you for appropriate action.

In carrying out this reorganization Mr. Perkins should be given sufficient latitude to enable him to successfully accomplish the purpose of these directions at the earliest possible date, and be held responsible for an efficient management of the office. It is also desired that Mr. Perkins be called upon to submit his views with regard to the putting into effect of the above changes in the matter of the method of conducting the business as well as affecting the personnel of the office, with regard to which I would be pleased to be advised.

Very respectfully,

R. A. BALLINGER, *Secretary.*

THE DIRECTOR OF THE RECLAMATION SERVICE.

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
Washington, D. C., February 8, 1910.

The DIRECTOR UNITED STATES RECLAMATION SERVICE.

SIR: Your letter of January 22, directed to Dr. E. G. Lind, inclosing copy of report on the Chicago office as submitted by the special representatives of the Secretary, has been turned over to me for reply, inasmuch as I am more familiar with conditions in connection with the black-tent account, which requires additional comment, as Doctor Lind's instructions did not authorize him to look into that matter. The other points touched on in this report, however, are compiled from the joint personal information of both Doctor Lind and myself, and provision is made at the end of this report for his certification as to the reliability of the statements made herein, outside of the account referred to above.

I have delayed answering a few days, as I am not in accord with these representatives of the Secretary on the essential features contained in their report, and in order to show that this report does not correctly state actual conditions, but apparently is so arranged as to pass over the points of vital interest, I have consumed some time in going into detail, which, I believe, if considered by an impartial and disinterested tribunal, will show clearly that their actual investigations were not complete.

In the statements to follow it will be my purpose to take up the essential features as presented by these gentlemen, and wherein, through a lack of knowledge of actual conditions, together with an apparent disinclination to be thorough and learn first-hand from the records of that office, they have failed to picture the true condition of affairs.

4680 Now, that I am separated from the service, I desire to assure you that I have no direct interest in this matter, but am compelled to point out the truth, and thereby contribute to the success of a "square deal" for all.

The first point touched on seems to be the two separate organizations being maintained in that office and the apparent lack of authority of the engineer in charge. This, of course, is nothing new, and to remedy this condition of affairs the plan as outlined in Doctor Lind's previous report appears to be practically confirmed in the report before me, with a few exceptions, which I do not believe are for the best or will be adhered to in the final reorganization of this office. I have reference to the number of employees and the salaries to be paid, as recommended by these gentlemen.

It seems, however, that they have failed to accredit the full reasons for the inactivity of the engineer in charge, and apparently they have not sought to go further back than verbal information given them by that officer. Although this is the most important point in the reorganization and will have all to do with the future success of the office, it is apparent they have simply accepted Mr. Perkins's pleasing personality and ability to talk as a guarantee of his possessing qualifications to properly administer the affairs of that office, in which he has already made a dismal failure. The records of your office, as well as those of the Chicago office, will show that he received your support until his absolute lack of tact and administrative ability in properly cooperating with the field offices forced the action necessary to a division of the work, with the understanding that details were to be handled by the experienced section chiefs.

As you will recall, conditions became so intolerable in the Chicago office and so little tact and discretion were used in its business relations with your office and the field offices that several of your most able supervising and project engineers practically refused to permit their districts to do business with that office. Thereby it was not serving the purpose for which it was intended.

Simply as an illustration, I will select one transaction as typical of a number of occurrences that finally made it mandatory for you to curb Mr. Perkins's authority and send Mr. Kirksey into that office to attend to purchasing. The Mitchell, Nebraska, project sent in a requisition to that office for approximately \$7,000 worth of groceries with explicit instructions as to what would be satisfactory. This requisition was received in Chicago, experienced difficulty, delay, and extra expense in the transaction, and was placed at a figure approximately \$800 over what it might have been purchased for from a concern whose goods the engineer advised would be entirely satisfactory; it was shipped in about 29 local shipments instead of carload and much of it arrived in unserviceable condition.

Until specific and stringent action was initiated by your office the work of auditing freight accounts was inexcusably behind. That office was working at cross purposes with a number of the field offices, and the purchasing work was not being conducted in a businesslike and satisfactory manner; this is a matter of record.

By reference to your letter changing the order of things in this office (which I am satisfied was not called for by these gentlemen), that results might be obtained, it will be noted that the engineer in charge had ample authority to administer properly its affairs had he possessed the qualifications necessary. From a personal knowledge of the two section chiefs, I am sure they would have given him their support, especially so when they were familiar with your instructions and enjoyed enough common sense to properly construe them.

When it is considered that this is not a large office, the foregoing facts have a direct and serious effect on its employees, and just how serious this has been I feel can be brought out by properly interrogating its section chiefs and other employees, who, of course, should not be expected to give out such information to representatives of the Secretary at the cost of their positions.

In short, a thorough investigation of the Chicago office files and an intelligent questioning of its employees, I am positive will reveal the true conditions and confirm beyond question my previous statements as to this man's absolute lack of ability to administer office affairs. These employees, however, must be given to understand that it would in nowise affect their positions.

Following their report closely, I am constrained to the opinion that these gentlemen seem to have become imbued with the erroneous idea that tact consists of appearing pleasing to men who are sent to investigate one. In my opinion, if the facts to which I have referred in the foregoing are taken up and properly disposed of it will be perfectly clear to any one why the Chicago office was apparently disorganized, and why these representatives of the Secretary learned "upon inquiry"—not on actual investigation—that the responsibility for this condition rested with the Washington office.

I may also state it is a matter of record that Mr. Perkins went directly over your head to the Secretary's office, and had that office use back-handed 4681 methods by requesting files for his use, and which served no purpose, that had been denied by the chief engineer in a letter, stating his time could better be applied to getting the work of the Chicago office up to date. This, you know, is insubordination and in itself punishable by dismissal.

I would also call your attention to the fact that his absolute lack of tact and ability can be proven by the testimony of a number of your most able engineers who, having been engaged with him in business transactions, are in a position to know the man and his methods thoroughly.

In short, I agree with the representatives of the Secretary, that the Chicago office is in a disorganized condition; I agree with them that the section chiefs were given latitude in carrying out the details of the work in that office, but I maintain that the inefficiency of Mr. Perkins made it necessary to shift the responsibility for present organization to the Washington office, and that the results obtained justified such action, although, as a matter of course, it increased the expense of that organization somewhat. However, for one to fully appreciate the improved condition, he must, of course, inform himself fully as to conditions which obtained when the engineer in charge had full authority, and that he did have full authority and your support for several years is a matter of record, as it is also a matter of record that he abused this confidence and failed to make good.

In connection with the second point these gentlemen bring out, I beg to say no one has seriously criticised the statement that an office at Chicago could possibly prove anything but advantageous to the work of the Reclamation Service, but from actual conditions it seems this was arrived at several years since by you, and so accordingly such an office was organized. As previously referred to, however, it is my opinion from a personal knowledge of the actual work to be conducted by that office, that the organization as listed by these representatives of the Secretary will not prove effective, and it will be found in finally carrying out this reorganization that Dr. Lind's list will more nearly represent what will be adhered to. However, I credit their departure in this respect to a lack of knowledge of actual conditions obtaining in the service.

It will be noted that, while they provide for a general agent at \$3,000 to administer the affairs of that office, they also practically recommend Mr. Perkins's retention, whose salary is now \$3,300. In other words, they would have

Mr. Perkins at \$300 additional when they admit that the duties of this office can be successfully carried on at a figure not to exceed \$3,000. This seems to me at least peculiar when it is considered they have laid so much stress on the matter of expense.

It will also be observed they state it will be impossible to maintain the efficiency of that office unless the chief has the full support of his superiors, be familiar with the details, and have the confidence of his employees. Of course those who understand existing conditions know it is out of the question to retain the present occupant, who, through his lack of tact and business judgment, has made it impossible to enjoy the respect, confidence, support, or hearty cooperation of any of his superiors in the field or elsewhere, and I am reasonably satisfied he can not hope to maintain the confidence of his subordinates. As an illustration and to convince you that my findings are based on facts I will say the present transportation agent has admitted to me that the present chief has instructed him frequently in the past to do certain things which were in direct disregard of all common business practices and against the judgment of this agent. I would further say it is an established fact that the present occupant when in full charge of that office handicapped and needlessly interfered with the work of his second in charge, and that the latter made no secret of his troubles and dissatisfaction.

Their recommendations regarding confining the work of the office to purchasing, transportation, auditing, and securing concessions is of course proper and was in reality the case until its present chief took it upon himself to reach out and assume responsibilities properly acceded to others or for which he possessed no specific authority. This has reference directly to the black tent and related work to be taken up later. It will at once, however, be clear to any one posting himself on the situation, that the recommendation of these gentlemen with regard to vouchering accounts can not properly be carried out when regulations that vouchers must be certified by an employee having intimate knowledge of the purchase, nor should it be expected that the engineers in the field should certify to purchases made in Chicago under various methods when it is certain to happen that their ideas will be at variance with those of the party purchasing.

In the meantime, however, the goods have been shipped and are on the job. In short, I am sure it will not suit the field men to have the Chicago office make purchases according to its ideas, and mail the voucher out to them and say, "Here, you certify that this purchase as made by me is correct and just." They also state discounts can be obtained by prompt action of fiscal agents in the field, who, with their force, can prepare the vouchers just referred to. Of course, every one knows that the system adopted in the field provides for 4682 the preparation of all vouchers under the supervision of the engineers and chief clerks and that they are, as they should be, properly complete and ready for payment when the fiscal agent gets them. It is not understood by any stretch of the imagination why these gentlemen should be of the opinion that cash discounts—practically all of which are for ten days—can be taken advantage of by the field vouchering when it is understood this discount runs from invoice date, which invoice must go to the field office, be checked and vouchered, voucher mailed to the payee for signature and returned to the project. By reference to mail schedules it will be found this is simply out of the question.

Their recommendation as to a consolidation of files is essential to reduce unnecessary work. However, as the present head of that office, during the several years he had a free hand, never had the initiative to bring about this much-needed reform, I doubt not he will take little, if any, action looking to a satisfactory arrangement of this kind.

I agree with them that the proposed reorganization can be made from the present force, but, of course, can not make it too plain that the present engineer in charge should be eliminated for what I consider good and sufficient reasons given elsewhere in this statement and in previous reports.

These gentlemen also state that they learn from the records of that office and "upon inquiry" that its present head had through his personal efforts alone secured contracts and concessions from different railroads by which the Government was saved \$1,300,000, covering a period from January 1, 1905, to November 30, 1909. Please be referred to your records and note that Mr. Cass, Mr. Fellows, Mr. McConnell, and, it is believed, others, should come in for a share of this glory. That Mr. Perkins was not assigned to this office until some time after 1905; that he simply followed the scheme of securing contracts and concessions as instituted by his predecessor; and that practically the only ones in

which he figured were with the Harriman line, of which Mr. McCormick is assistant traffic manager, and it will be noted from facts taken up later evidently his very close personal friend.

I would further invite your attention to the opinion of these representatives that the railroads have nothing to gain from these contracts and concessions. The facts are, however, they have everything to gain and in many instances their receipts from additional business as a direct result of this work have very largely increased. I am perfectly willing to concede that they have shown a spirit of cooperation in the matter of concessions, but wish to overcome the inference of these gentlemen that with nothing to gain other than the benefits to be derived from future settlement, all of these contracts have been secured solely through Mr. Perkins's ability to get something for nothing. This inference is clearly made for effect when it is remembered others beside Mr. Perkins have secured concessions of a like nature.

Of course, lack of knowledge of the subject doubtless occasioned the statement that no favoritism could be shown in shipments, as nearly all projects are reached by one road only. As a good portion of the shipments for one project originate on contract lines other than the delivering line, it can readily be seen that favoritism can be shown in the routing. Take, for instance, Mesa, Arizona, which is a local point on a subsidiary line of the Southern Pacific. Shipments from Chicago and vicinity and eastern points can be routed via the Chicago, Rock Island & Pacific, the Santa Fe, or the Illinois Central, all of which are contract roads. If shipments are routed via I. C., which is a Southern Pacific proposition, the S. P. proper secures the haul from New Orleans to Maricopa, Arizona, where it is turned over to another S. P. proposition. If shipment were given to the Santa Fe, the Southern Pacific would only get the haul from Phoenix to Mesa; if given to the C. R. I. & P., the S. P. would get the haul from El Paso, Texas, to Mesa. The Santa Fe-Southern Pacific combination is a saving of approximately 555 miles against the I. C. and S. P. combination; the C. R. I. & P. and S. P. combination is a saving of approximately 650 miles against the I. C. and S. P. combination. Upon examination of 1,800 bills of lading, issued by the Chicago office, it will be found that 230 shipments were made, during the time covered by these bills of lading, to Mesa.

Of this number the I. C.-S. P. secured 135, the C. R. I. & P.-S. P. 86, the Santa Fe-S. P. 9. It may also be stated that a greater proportion of carloads went I. C. and S. P. than the other combinations. It will be observed by the foregoing that, although the I. C.-S. P. combination is longest by approximately 650 miles, or from four to ten days longer delivery, this combination has actually received better than 50% of the total business, which may in part be responsible for the evident friendship and personal eulogy volunteered on the part of the assistant traffic manager of the Harriman lines. It may also be well to know that objections to routing shipments via I. C. and S. P. have been offered by the supervising engineer of the district when prompt deliveries were essential, which obtained, however, only temporary relief.

I wish also to take issue with their statement as to the efficiency of Mr. S. W. Dick, whose failure also to make good in the purchasing work resulted in his being relieved of this work, and his duties confined to transportation and auditing, the details of which are now being and have been carried on by Mr. C. E. Harris. Mr. Dick is not a railroad accountant, as stated by these gentlemen, and freely admits it. His past record shows he does not possess the faculty to act effectually and properly administer the affairs of that office.

The question of Mr. Kirksey's general efficiency is a matter of record in your office, and that he possesses tact and is of pleasant address and bearing is well known to you and your assistants.

It is not my purpose to take up in detail the "black-tent lectures" and publicity work, fully and correctly stated in my previous report.

I learn from the report of these gentlemen, however, that it makes considerable difference whom the inspector represents as to the facilities afforded him for the work of inspection. I also invite your attention to the discrepancies in their report, which emphasizes the fact that these gentlemen have had little experience in auditing accounts.

I may also say that personal agreements by officials of the Reclamation Service involving considerable sums of money are usually discouraged by regulation and custom, and while it appears the Secretary has authorized the engineer in charge to give seven lectures for the Union Pacific, the report also states that when completed "all such work shall cease."

It is unfortunate, indeed, that these gentlemen did not consider it of sufficient importance to include in their report a list of the lectures referred to, with dates, places, and hours given. It is a matter of common knowledge, however, that the time of the messenger and others has been utilized for several hours each day preceding a lecture to be given by the engineer in charge at the cost of routine work. This is in addition to much time Mr. Perkins is known to have also spent on this work himself during office hours.

It is also a matter of record that there are other railroad officials who do not share Mr. McCormick's high opinion of Mr. Perkins's great personality and qualifications as a lecturer or otherwise, and it is also a matter of record that of all shipments made by the purchasing section during 1909 it has been unnecessary for Mr. Perkins to exercise his personal efforts to get cars or have shipments expedited.

Really to me this element of personality injected into the report of these gentlemen is unworthy of serious consideration, inasmuch as it has been worked overtime, and especially so when it is considered the engineer in charge has accepted favors from the assistant traffic manager of the Harriman lines and apparently the assistant traffic manager's system has been favored in the matter of routing shipments. Also, because it is a matter of record that the contracts with the D. & R. G. were taken out of the hands of the engineer in charge and turned over to the supervising engineer of the central district, inasmuch as another of these alleged personal agreements of Mr. Perkins with an official of the D. & R. G. was repudiated by the latter and the supervising engineer referred to placed in a decidedly embarrassing position.

In connection with the foregoing, for your information, I would sum up the proposition as follows:

1. I have agreed with the representatives of the Secretary that the Chicago office is in a very disorganized state. I have disagreed with them in part relative to the lack of authority of the engineer in charge and have shown clearly why and how it may be proven that it was necessary for the best interests of the service to have your office take a hand in affairs and initiate reforms in so far as practicable without peremptorily dismissing the head of that office.

2. I have shared the opinion of these representatives as to the great value of the Chicago office to the service if properly organized and conducted, but I have disagreed with them as to the proposed organization, for the reasons outlined in this and in previous reports, which can also be substantiated.

3. I have disagreed positively with these representatives that through Mr. Perkins' personal efforts contracts and concessions amounting to \$1,300,000 have been saved to the Reclamation Service, inasmuch as this statement is without foundation in fact, and can certainly be disproved by the actual facts in the case.

4. I have also positively disagreed with them that the present occupant possesses good administrative ability, and can carry out the intent and purposes of that office, and believe that if a thorough investigation is made along the lines indicated by the suggestions contained in previous reports, their findings in this particular can be disproven.

I have also disagreed with them as to Mr. Dick being a most efficient man, and believe there is an abundance of evidence to substantiate my statements in this particular.

5. I agree with them that present officials approve reorganization of that office, but that the present section chiefs do not feel that the present occupant is the man to carry on the work.

4684 6. I have simply touched on the "Black Tent" lecture accounts, and publicity and personal arrangement of the engineer in charge with the assistant traffic manager of the Harriman lines, and for full information on these subjects respectfully refer you to my former reports.

7. I have touched on the personal eulogy of the engineer in charge by the assistant traffic manager of the Harriman lines, and believe I have submitted motives for this apparent friendship, although these representatives have stated that no favoritism could be shown in the matter of shipments.

8. I have positively disagreed with these representatives relative to the great importance played by personality of the present engineer in charge, and believe I have shown that such is in reality misleading and not based on facts.

In concluding this report I desire to add that I have been informed that the Secretary has communicated with you and directed that a reorganization be had of that office, in line with the report of his representatives, and that the engineer in charge has submitted recommendations with a view to reducing his

office force to comply with said instructions. From what I learn, however, it seems that from the very outset he starts off contrary to these instructions, which as I understand provide for economy without affecting the efficiency of that office. You will note that in the first place he recommends the employees who have made good in that office and elsewhere in the service available for transfer, and also that this action on his part will leave that office without a single employee who has had actual experience on construction work in the field, for which work practically all of these supplies are needed.

He also provides in his recommendations that all advertisements for purchases shall be prepared in the field offices and transmitted to that office for distribution, to replace the requisitions as now sent in. To anyone at all familiar with the work of that office and the field offices, it will be clearly understood that this action is bound to result in dissatisfaction throughout the field and considerable confusion, inasmuch as usually requisitions have to be worked over on their arrival in that office and prepared in such shape that the trade can readily understand just what is wanted. Therefore you will understand that even though these advertisements are prepared in the field, much labor will be required to properly work them over, complete that portion which that office must of necessity complete, and mail them out to the various bidders. Of course, the usual work of opening these advertisements, abstracting them, and awarding the business, in addition to making all the direct purchases for the projects, as heretofore, of purchases not on advertisement, will as is customary now be continued by that office. Therefore it must be clear to you that there will be little if any reduction in work on this score.

He also recommends, with this same end in view, that all vouchers shall be prepared in the field except when necessary to obtain cash discounts. There will be practically little reduction in the work on account of this arrangement when it is understood that a large portion of accounts paid contain discounts, and the extra work of vouchering those on which there appears no discount would not involve extra clerical assistants.

He also states that the purchase of cement, its distribution, and the return of empty sacks be placed in the hands of the cement expert, Denver, aid to be given him by that office in all matters as he may request. Now, if anyone wants to spend a few minutes in the Chicago office, it can be pointed out to him just how much extra work is being placed on that office by handling this proposition, and as a matter of fact it will not prove of sufficient importance to warrant his saying it will reduce the work in that office. The real work attached to this proposition consisted in bringing into balance the old cement contracts, principally with the Universal Portland Cement Company, by Mr. Kirksey for the past current year, and inasmuch as this work was practically completed during my last visit to Chicago, it seems ridiculous that the engineer in charge should make the mistake of saying that there will be any material reduction on this score.

I give you this latter information on reorganization simply to show you that the man is incapable and has right at the outset started to flounder around and make recommendations that are not practicable, but will result in confusion and discontent among your project offices without affecting the Chicago office one way or the other. There is one point, however, in connection with this reorganization that I would like to have you keep in mind. I have reference to the total amount allowed for salaries for that office and the working force. I think that if the present engineer in charge reduces his present organization in the amount recommended by the various inspectors he will immediately begin to furnish excuses for the purpose of adding to his forces again. I am satisfied of this fact, because I know that he personally will not work at his job, and consequently the burden must fall on others, which will necessarily mean additional help or result in confusion and disorganization in that office.

4685 If a good, practicable business man were placed at the head of that organization it could be run easily within the sum specified and do the work it is doing now; but time will vindicate my statement that its present head will always prove more or less a drawback.

Very truly, yours,

FRANK E. HUFFER.

I have carefully read the above, and, having a personal knowledge of the majority of the facts brought out by Mr. Huffer, I am glad to concur in everything that he has said. I wish it to be distinctly understood, however, that I know absolutely nothing of Mr. Perkins's connection with the black-tent lec-



tures, except through hearsay, for, if you will remember, my instructions, which I understand came from the present Secretary, Mr. Ballinger, forbade my going into this matter for reasons which probably appeared good and sufficient to him.

E. G. LIND.

1932

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
*Washington, D. C., March 15, 1910.*

HON. FRANK P. FLINT,  
*United States Senate, Washington, D. C.*

SIR: In accordance with your request I send herewith the salary record of Mr. E. T. Perkins, for insertion in the record:

July 1, 1902, joined the Reclamation Service as engineer, at salary of \$2,200 per annum.

January 1, 1905, promoted to engineer at \$2,400 per annum.

April 15, 1905, promoted to engineer at \$3,000 per annum.

June 1, 1908, promoted to engineer at \$3,300 per annum.

Very respectfully,

A. P. DAVIS, *Acting Director.*

4674

[Report for month ending March 31, 1910.]

FALLON, NEV., *April 6, 1910.*

THE DIRECTOR U. S. RECLAMATION SERVICE,  
*Washington, D. C.*

SIR: Weather conditions during the month of March have been uniformly excellent, permitting us to rapidly carry on repair work and facilitating contractors in completion of ditch work.

**Operation.**—The operation of the project was commenced during the month of March. Only small amounts of water have been needed for irrigation purposes and there has been an abundance in the streams to supply all our needs. Practically all ditches were primed and delivering water at the end of the month, and in spite of the usual large number of breaks and washouts we have had very little serious trouble. This is largely due to persistent efforts to keep down gophers, squirrels, and other burrowing animals.

**Maintenance.**—Generally the greater part of the maintenance work is completed before March 1, but this winter work was not commenced before the first, consequently the month has been very busy. The greater part of the work was completed by the end of the month, and ditches are in condition to deliver water to practically every farmer in need of it. The largest single item of maintenance work this month has been the cleaning of drains in District 1. The 4675 work was advertised and so far as possible let by small job contracts. A number of jobs we were unable to let, and these have been completed by day labor. The work in District 1 is now almost completed.

**Contract work.**—The contractors on ditch construction in District 5 have made very rapid progress during the month of March. At the end of the month nearly all of the contracts were completed, and there is hope that all of the items will be completed before the expiration of the contract time.

Construction of the Fallon office building has progressed rapidly. The building is framed and shingled, the concrete vault is nearly finished, and the contractors should have the work finished within the contract time.

**Force account work.**—The only force account construction being carried on is that of placing structures in ditches being dug by contract in District 5. Satisfactory progress in this is being made.

**Construction Lake Tahoe dam.**—Plans have been made to send an inspector to Lake Tahoe to attend to the completion of the dam at the outlet works. The decision of the Secretary to reinstitute condemnation proceedings obviates the necessity of having anything more to do with this construction. The power companies, however, say that they will complete the construction at the earliest possible date.

**Engineering investigations, Lower Carson dam.**—During the month 1,115 feet of wash bore holes were bored; 920 feet of 5" pipe was carried across the canyon to deliver water to test pits for percolation experiments. Percolation tests were started. Investigations were continued to develop material for con-

struction of the dam and preliminary plans were drawn for the structure; final plans were drawn for concrete chute to deliver water into the reservoir above the dam, and authority was asked to take up this construction at once.

*Office work.*—The office force has kept up all regular business. A large amount of work was entailed by the payments coming in at the end of the month; this has been satisfactorily carried out.

*Payments.*—Payments came in very rapidly toward the end of March. It is impossible to state just how much has been paid, owing to the fact that a large part of the money was sent to the land office at Carson City direct. A special report will be rendered as soon as the land office at Carson City sends us abstract of collections. Apparently there are very few delinquents on the project at this date and the outlook is more cheerful than we had reason to anticipate.

*Legal work.*—Mr. Burr, assistant examiner, has been on the project a part of the month. He has drawn up proof of appropriation for both Truckee and Carson rivers, has conducted a hearing in the case of the homestead entry of Jerome M. Higman, and has attended to many other minor legal matters.

The business and agricultural conditions on the project are better than at any other time in the history of the project. Crops are looking well and a large area is being prepared for crop this season. The general tone of the agricultural population has been much improved. A company has been formed to build a sugar factory in Fallon and this work has been started. This seems to give a great deal of encouragement to our farmers.

Very respectfully,

THOS. H. MEANS,  
Project Engineer.

Copy to supervising engineer.

Copy to R. T. Perkins, No. 777 Federal Building, Chicago, Ill.

4676 *Statement of investment, Truckee-Carson project, March 31, 1910.*

Authorized allotment to December 31, 1910.....	\$4, 178, 000. 00
Net investment to March 1, 1910.....	\$3, 974, 489. 03
March business:	
Vouchers paid.....	\$9, 414. 45
Transfers received.....	479. 12
	<u>\$9, 893. 57</u>
Collection vouchers.....	4, 139. 96
Transfers issued.....	341. 49
	<u>4, 481. 45</u>
Net debit month of March.....	5, 412. 12
Net investment to March 31, 1910.....	<u>3, 979, 901. 15</u>
Plus O. & M. and building water right collections credited to March 1, 1910.....	63, 935. 97
Credited during March.....	3, 018. 04
	<u>66, 954. 01</u>
Expenditures to March 31, 1910.....	<u>4, 046, 855. 16</u>
Balance of allotment March 31, 1910.....	<u>131, 144. 84</u>

## PERSONNEL.

Thos. H. Means, Project Engineer, \$3,000.

Louis W. Hall, Engineer in charge investigations at Lower Carson Dam site, \$2,400.

Herbert W. Marean, Superintendent of Irrigation, \$150 per month.

Thomas Williamson, Assistant Engineer, \$1,920, in charge Tahoe Dam.

Seymour Case, Assistant Engineer on investigations at Lower Carson Dam site, \$1,680.

C. F. Carpenter, (Chief) Clerk and Fiscal Agent, \$1,560.

W. G. Rawles, Draftsman, \$1,500.

F. E. Gibbs, Foreman in charge maintenance, \$125 per month.

S. R. Marean, Junior Clerk (water master), \$1,440.

John R. Post, Junior Clerk, vouchers, purchases, etc., \$1,320.

C. I. Poultney, Junior Clerk, charge storehouse and equipment, \$1,320.

J. L. Clancy, Under Clerk, stenographer, \$1,020.

John B. Maxwell, Field Clerk, bookkeeper, timekeeper, etc., \$110 per month.

W. R. Birch, Field Clerk, charge telephone maintenance, assistant at storehouse, etc., \$95 per month.

James G. Gault, Transitman, assistant in maintenance work, \$97.50 per month.

J. J. Walsh, Instrumentman, \$95 per month.

F. C. Schafer, Transitman, \$95 per month, charge hydrographic work.

*Condition of settlement, Truckee-Carson project, Nevada, March, 1910.*

	Farm units.	Acres.
Public land entered:		
Previously reported.....	272	18,029.18
Canceled and relinquished.....	5	312.00
Entered during month.....	8	515.00
At end of month.....	275	18,232.18
Water-right applications filed:		
Previously reported.....	356	29,385.98
Canceled.....	5	312.00
During month.....	13	820.00
At end of month.....	364	29,893.98
Land not settled or applied for:		
Public.....	376	26,789.00
Private holdings.....	91	27,900.00

Acres irrigated, 30,000.

NOTE.—Figures shown as "Previously reported" are taken from "Report of lands" for February.

## PART IX.

# DOCUMENTS RELATING TO THE FORESTRY BUREAU.

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### PROPOSED CHUGACH NATIONAL FOREST. ALASKA—REPORT AND DRAFT OF PROCLAMATION.

1147

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
*Washington, D. C., April 24, 1907.*

The honorable SECRETARY OF THE INTERIOR.

SIR: I have the honor to submit herewith, in duplicate, report on the proposed creation of the Chugach National Forest, in Alaska, as recommended by the Secretary of Agriculture under date of March 13, 1907.

The proposed national forest embraces all of the territory situated south of the main divide of the Chugach Mountains, which are located between Copper River and the west coast of Prince William Sound, and covers an approximate area of 858,268 acres of land, upon which are located the towns and settlements of Eyak, Orca, Tahtetlahk, Ellamar, Valdez, Fort Lisicum, Elniklik, Chenaga, Nutchek, and Latouche, and certain reservations for military purposes. As these lands are unsurveyed, it is impossible to state the area claimed or held in private occupation, but it is known that quite a number of such claims exist, and it is also a fact that a number of transportation companies have taken steps to obtain rights of way through these lands, since they furnish the most feasible routes from the southern coast to the interior of Alaska. A number of islands in Prince William Sound which are to be included in this national forest are used for the propagation of foxes, and have been reserved from entry under the homestead laws.

As touching the question as to the advisability of this reservation, attention is called to the facts shown by the report of Mr. W. A. Langille, the forest officer who investigated the conditions at the suggestion of the Forester, that a national forest is not needed to conserve the water supply or for protection against forest fires; that the timber on these lands is neither plentiful nor valuable. Mr. Langille says:

"The relative amount of timber suitable for milling purposes is small in proportion to the forest area, and is generally in sheltered depressions away from the coast in such small bodies that logging would be expensive. Other than these select tracts the trees are short and limby, with rapid taper, offering but little inducement to the lumberman."

Again, it seems from Mr. Langille's report that the creation of the forest reserve is not greatly needed for reproduction of timber. He says:

"There is now a good growth of all ages in the forests, which will always sustain the present standard and perpetuate the species now existing."

The possible effect of a national forest upon the populating and development of the country should be considered. There are seven laws under which title  
1148 can now be obtained to lands in Alaska. The creation of a national forest will absolutely defeat sales under five of these laws, and will in effect defeat them under the sixth.

Mines are usually discovered and developed and fishing stations and Indian mission stations are frequently established in localities remote from centers of white population. Stores and other places of business are required in connection with these establishments, and lands are needed for these purposes and for homes for the operatives. The conditions in Alaska are peculiar, and to meet

the peculiar needs in that district Congress has devised and prescribed peculiar methods for obtaining title to the lands—methods not in use outside of Alaska, and suitable only to the local situation there. The act of May 14, 1898 (30 Stats., 413), authorizes the purchase of lands "for the purpose of trade and manufacture and other productive industry," and also authorizes the location of soldiers' additional rights and the purchase of lands for terminal facilities for transportation purposes. A peculiar method of town-site entry has been authorized and a separate method of allotting lands to Indians. The location of soldiers' additional homestead entries and the statute authorizing purchases for the purpose of trade and manufacture have been most largely utilized to meet existing needs. But the act which authorizes acquisition of title in this method, as well as the laws which permit town-site entries, the purchase of lands for terminal facilities and the allotment of lands to Indians, will be entirely defeated by the creation of the national forest. (See 34 L. D., 19.)

The creation of a national forest will greatly hamper and to a large extent defeat the provisions of the homestead laws, which Congress made exceedingly liberal to induce the settlement and development of the country.

If a national forest is created it will have the following effect upon existing homestead laws:

(a) Now any nonmineral land in Alaska is subject to homestead entry; then only lands chiefly valuable for agriculture can be entered, and it will in many localities be extremely difficult to find lands which are more valuable for agriculture than for timber.

(b) Now, under the liberal law which Congress has prescribed to induce settlement, 320 acres of land may be entered; then only 160 acres can be entered.

(c) Now settlement can be made and homes maintained without entry; then no settlement can be made without entry.

(d) Now an entryman may wait five years after making his home before he makes entry; then he must make entry before he establishes his home.

(e) Now a settler can commute 160 acres after fourteen months' residence and cultivation; then he can not commute at all.

Again, the people now have a right to settle upon, make improvements upon, graze and use these lands for many other beneficial purposes necessary to the development and exploration of the country without the consent or sanction of any department of the Government, but many of these acts will, after the creation of a national forest, render them liable to arrest and punishment as trespassers.

Again, the creation of national forests is not favored by the people of Alaska, as is shown by Mr. Langille in his report on the proposed Panhandle National Forest, when he says:

"Those who have given the matter consideration think the move premature and not consistent with existing isolated frontier conditions with which the sparse population is contending to build up enterprises and homes."

As to the advisability of creating the national forest now under consideration, Mr. Langille concludes his report with the suggestion that—

"While the amount of timber cut is comparatively small, and under the Alaska Code can be checked at any time, there are no provisions for forest care, and the writer strongly favors the passage of a law placing Alaskan forests under foresters with regulations for timber cutting without withdrawing the lands from settlement, especially in regions where the resources are entirely undeveloped and might be retarded by their reservation."

The legislation suggested by Mr. Langille has not been enacted, and since they are not needed for the conservation of the water supply or protection from forest fires, the sale of timber, the prevention of trespass, and the reproduction of forests is the only purpose to be served by the creation of national forests. The act of 1898, *supra*, makes ample provisions for the sale of timber by the Secretary of the Interior through methods closely akin to those now pursued for the sale of timber in national forests, and the shipping regulations, as well as the fact that Alaskan lumber can not be sold in competition with the mills in the Puget Sound country, seem a sufficient safeguard against the exportation of lumber from Alaska. That the mills of Alaska have not been able up to the present time to even supply the local demand is shown by the fact that the

Government was recently compelled to import 750,000 feet of lumber  
1149 needed by it for building purposes, and by the further fact that during the year ending June 30, 1903, the latest statistics now at my command show that \$692,814 worth of lumber and timber products were shipped into Alaska.

If it is believed that, notwithstanding the suggestions here made, the creation of this national forest in advance of the legislation suggested by Mr. Langille is advisable, I see no reason why the proclamation herewith submitted should not be issued, since it appears to be in proper form.

Very respectfully,

R. A. BALLINGER,  
*Commissioner.*

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
Washington, D. C., May 10, 1907.

The honorable the SECRETARY OF THE INTERIOR.

SIR: There is herewith submitted a form of proclamation for the creation of the Chugach National Forest, Alaska. The proposed national forest contains approximately 858,268 acres, all of which is unsurveyed.

My views with respect to the propriety of the creation of this national forest were fully stated in a letter submitted to your department April 24, 1907.

The form of proclamation was prepared and approved by the Forest Service, Department of Agriculture.

Very respectfully,

R. A. BALLINGER,  
*Commissioner.*

#### CHUGACH NATIONAL FOREST, ALASKA.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

#### A PROCLAMATION.

Whereas, the public lands in the Territory of Alaska, which are hereinafter indicated, are in part covered with timber, and it appears that the public good would be promoted by utilizing said lands as a National Forest:

Now, therefore, I, Theodore Roosevelt, President of the United States of America, by virtue of the power in me vested by section twenty-four of the act of Congress, approved March third, eighteen hundred and ninety-one, entitled "An act to repeal timber-culture laws, and for other purposes," do proclaim that there are hereby reserved from settlement, entry, or sale, and set apart as a public reservation, for the use and benefit of the people, all the tracts of land in the Territory of Alaska, shown as the Chugach National Forest on the diagram forming a part hereof, and further described as follows: All of the public land lying within a line beginning at the southern extremity of Cape Puget, Alaska, on the east coast of Kenai Peninsula; thence in a general northerly direction, following the coast line, to the western extremity of Portage Bay; thence northwesterly to the divide between Turnagain Arm and Portage Bay thence in a general northerly direction along the divide between Knik Arm and Port Wells and in a general easterly direction along the main divide of the Chugach Mountains, continuing thence to a point on left bank of Copper River opposite the northern extremity of Cottonwood Island; thence southerly, down left bank of said Copper River, to its southern extremity; thence in a southwesterly direction to the southern extremity of Cape Clear; thence in a northwesterly direction to the southern extremity of Cape Puget, the place of beginning, and embracing all islands within said described line;

Excepting from the force and effect of this proclamation the several areas contained within boundaries formed by circles described with a radius of a mile each, from the centers of the following-named towns and settlements, to wit: Eyak, Orca, Tahtetlahk, Ellamar, Valdez, Fort Lisicum, Elniklik, Chenaga, Nutchek, and Latouche:

*Provided*, That this proclamation shall not be so construed as to deprive any person of any valid right possessed under the treaty for the cession of the Russian possessions in North America to the United States, concluded at Washington on the thirtieth day of March, eighteen hundred and sixty-seven, or acquired under any act of Congress relating to the Territory of Alaska;

And further excepting from the force and effect of this proclamation all lands which are at this date embraced in any legal entry or covered by any lawful filing or selection duly of record in the proper United States land office, or upon which any valid settlement has been made pursuant to law, if the statutory period within which to make entry or filing of record has not expired; and also excepting all lands which at this date are embraced within any withdrawal or reservation for any use or purpose with which this reserva-

tion for forest uses is inconsistent; provided that these exceptions shall not continue to apply to any particular tract of land unless the entryman, settler, or claimant continues to comply with the law under which the entry, filing, or settlement was made, or unless the reservation or withdrawal with which this reservation is inconsistent continues in force; not excepting from the force and effect of this proclamation, however, any part of the National Forest hereby established which may have been withdrawn to protect the coal therein, but this proclamation does not vacate any such coal-land withdrawal; and provided that these exceptions shall not apply to any land embraced in any selection, entry, or filing, which may have been permitted to remain of record subject to the creation of a permanent reservation.

Warning is hereby given to all persons not to make settlement upon any of the lands reserved by this proclamation, unless and until they are listed by the Secretary of Agriculture and opened to homestead settlement or entry by the Secretary of the Interior under the act of Congress, approved June eleventh, nineteen hundred and six, entitled, "An act to provide for the entry of agricultural lands within forest reserves."

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 23d day of July, in the year of our Lord one thousand nine hundred and seven, and of the Independence of the United States the one hundred and thirty-second.

[SEAL.]

THEODORE ROOSEVELT.

By the President:

ROBERT BACON,

*Acting Secretary of State.*

#### CHUGACH NATIONAL FOREST, ALASKA.

[Second proclamation.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

#### A PROCLAMATION.

Whereas it appears that the public good would be promoted by excluding certain lands from the Chugach National Forest, in the Territory of Alaska, established by proclamation issued July twenty-third, nineteen hundred and seven:

Now, therefore, I, Theodore Roosevelt, President of the United States of America, by virtue of the power in me vested by the act of Congress approved June fourth, eighteen hundred and ninety-seven, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes," do proclaim that the area of the said National Forest is hereby changed to exclude therefrom a tract of land extending one mile back from the tide line on both sides of the bay known as Valdez Arm, following the tide line from its intersection with the line of 146° 30' longitude west from Greenwich, easterly around the head of the Valdez Arm; and that the aforesaid National Forest now contains, with the exception of the lands hereby excluded, all of the tracts of land in the Territory of Alaska shown as the Chugach National Forest on the diagram forming a part hereof, and further described as follows: All of the public land lying within a line beginning at the southern extremity of Cape Puget, Alaska, on the east coast of Kenai Peninsula; thence in a general northerly direction, following the coast line, to the western extremity of Portage Bay; thence northwesterly to the divide between Turnagain Arm and Portage Bay; thence in a general northerly direction along the divide between Knik Arm and Port Welles and in a general easterly direction along the main divide of the Chugach Mountains, continuing thence to a point on left bank of Copper River opposite the northern extremity of Cottonwood Island; thence southerly, down left bank of said Copper River, to its southern extremity; thence in a southwesterly direction to the southern extremity of Cape Clear; thence in a northwesterly direction to the southern extremity of Cape Puget, the place of beginning, and embracing all islands within said described line; excepting from the force and effect of this proclamation the several areas contained within boundaries formed by circles described with a radius of a mile, each, from the centers of the following-named towns and settlements, to

wit: Eyak, Orca, Tahtetlahk, Ellamar, Valdez, Fort Liscum, Einiklik, Chenaga, Nutchek, and Latouche:

*Provided*, That this proclamation shall not be so construed as to deprive any person of any valid right possessed under the treaty for the cession of the Russian possessions in North America to the United States, concluded at Washington on the thirtieth day of March, eighteen hundred and sixty-seven, or acquired under any act of Congress relating to the Territory of Alaska:

And further excepting from the force and effect of this proclamation all lands which are at this date embraced in any legal entry or covered by any lawful filing or selection duly of record in the proper United States Land Office, or upon which any valid settlement has been made pursuant to law, if the statutory period within which to make entry or filing of record has not expired; and also excepting all lands which at this date are embraced within any withdrawal or reservation for any use or purpose with which this reservation for forest uses is inconsistent; provided that these exceptions shall not continue to apply to any particular tract of land unless the entryman, settler, or claimant continues to comply with the law under which the entry, filing, or settlement was made, or unless the reservation or withdrawal with which this reservation is inconsistent continues in force; not excepting from the force and effect of this proclamation, however, any part of the aforesaid National Forest which may have been withdrawn to protect the coal therein, but this proclamation does not vacate any such coal land withdrawal; and provided that these exceptions shall not apply to any land embraced in any selection, entry, or filing, which may have been permitted to remain of record subject to the creation of a permanent reservation.

The lands hereby excluded from the aforesaid National Forest which are not embraced in any other withdrawal, reservation, or appropriation, shall be restored to the public domain and become subject to settlement, appropriation, and disposition under the provisions, conditions, and restrictions applicable to such lands on such date and after such notice by publication as the Secretary of the Interior may prescribe, and no person will be permitted to gain or exercise any right whatever under any settlement or occupation begun prior to such date and all such settlements and occupations are hereby forbidden.

Warning is hereby given to all persons not to make settlement upon any of the lands reserved by this proclamation, unless and until they are listed by the Secretary of Agriculture and opened to homestead settlement or entry by the Secretary of the Interior under the act of Congress approved June eleventh, nineteen hundred and six, entitled, "An act to provide for the entry of agricultural lands within forest reserves; provided that lands heretofore restored to settlement or entry under the provisions of the foregoing act shall be excepted from the force and effect of this proclamation.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 18th day of September, in the year of our Lord one thousand nine hundred and seven, and of the Independence of the United States the one hundred and thirty-second.

THEODORE ROOSEVELT.

By the President:

ALVEY A. ADEE,

*Acting Secretary of State.*

#### CHUGACH NATIONAL FOREST, ALASKA.

[Third proclamation.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

#### A PROCLAMATION.

Whereas, an executive order dated July second, nineteen hundred and eight, consolidated the Chugach National Forest and the Afognak Forest and Fish Culture Reserve under the name of the Chugach National Forest;

And whereas it appears that the public good would be promoted by adding to the Chugach National Forest certain lands within the Territory of Alaska, which are in part covered with timber;

Now, therefore, I, Theodore Roosevelt, President of the United States of America, by virtue of the power in me vested by the act of Congress, approved June fourth, eighteen hundred and ninety-seven, entitled "An act making



1152 appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes," do proclaim that the Chugach National Forest is hereby enlarged and that its boundaries are as shown on the diagram forming a part hereof, and further described as follows: The island of Afognak and the adjacent islands which were set apart by proclamation dated December twenty-fourth, eighteen hundred and ninety-two, as the "Afognak Forest and Fish Culture Reserve," and also all of the public land lying within a line beginning at a point on the left bank of Copper River, due east of the northern extremity of Cottonwood Island; thence easterly along the divide between the watershed of Bremner River and Chitina River to a point due north of the southern extremity of Cape Suckling; thence due south to the southern extremity of Cape Suckling; thence in a northwesterly direction to the southern extremity of the left bank of Copper River; thence in a southwesterly direction to the southern extremity of Cape Cleare; thence in a northwesterly direction to the southern extremity of Cape Puget; thence in a general northwesterly direction along the divide of the foothills to its intersection with the main divide of the Kenai Mountains; thence in a general westerly direction along said main divide, between the waters of Resurrection Bay and Kenai Lake, and continuing southwesterly along said main divide to the head of Sheep Creek; thence southerly down the left bank of said creek to Kachemak Bay; thence in a general southerly, westerly, and northerly direction along the shores of said bay, Cook Inlet, and Knik Arm, at the mean low tide line, to the right bank of Knik River; thence easterly up the right bank of Knik River to the main divide of the Chugach Mountains; thence in a general easterly direction along the main divide of the Chugach Mountains to a point on the left bank of Copper River, due east of the northern extremity of Cottonwood Island, the place of beginning, and embracing all islands within said described line:

Excepting from the force and effect of this proclamation the several areas contained within boundaries formed by circles described with a radius of a mile, each, from the centers of the following-named towns and settlements, to wit: Eyak, Orca, Tahtetlahk, Ellamar, Valdez, Fort Liscomb, Elniklik, Chenaga, Nutehek, and Latouche; excepting also a tract of land extending 1 mile back from the tide line, on both sides of the bay known as Valdez Arm; following the tide line from its intersection with the line of 146° 30' longitude west from Greenwich, easterly around the head of Valdez Arm:

*Provided*, That this proclamation shall not be so construed as to deprive any person of any valid right possessed under the treaty for the cession of the Russian possessions in North America to the United States, concluded at Washington on the thirtieth day of March, eighteen hundred and sixty-seven, or acquired under any act of Congress relating to the Territory of Alaska.

The withdrawal made by this proclamation shall, as to all lands which are at this date legally appropriated under the public land laws or reserved for any public purpose, be subject to, and shall not interfere with or defeat legal rights under such appropriation, nor prevent the use for such public purpose of lands so reserved, so long as such appropriation is legally maintained or such reservation remains in force.

Since the withdrawal made by this proclamation for forest purposes and the withdrawal made by proclamation dated December twenty-four, eighteen hundred and ninety-two, for the purpose of establishing fish-culture stations and for the use of the United States Commissioner of Fish and Fisheries are consistent, both shall be effective upon the land withdrawn, but the withdrawal for fish-culture stations and for the use of the United States Commissioner of Fish and Fisheries shall be the dominant one.

This proclamation shall not prevent the settlement and entry of any lands heretofore opened to settlement and entry under the act of Congress approved June eleventh, nineteen hundred and six, entitled "An act to provide for the entry of agricultural lands within forest reserves."

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 23rd day of February, in the year of our Lord one thousand nine hundred and nine, and of the Independence [SEAL.] of the United States the one hundred and thirty-third.

THEODORE ROOSEVELT.

By the President:  
ROBERT RACON,  
Secretary of State.

[No. 852.]

TREASURY DEPARTMENT,  
OFFICE OF COMPTROLLER OF THE TREASURY,  
*Washington, May 2, 1907.*

The Honorable the SECRETARY OF AGRICULTURE.

SIR: In your communication of April 24, 1907, you request my decision of a question which you therein present as follows:

"I have the honor to request your decision upon the following questions: May the Secretary of Agriculture, out of the appropriation 'General expenses, Forest Service, \* \* \* to protect, administer, improve, and extend the national forest reserves' (act of June 30, 1906, 34 Stat., 683) or the appropriation raised by section 5 of the act of February 1, 1905 (33 Stat., 628), for the 'protection, administration, improvement, and extension of the federal forest reserves,' pay the expenses of geologists employed by the Geological Survey of the Department of the Interior, to examine mineral claims in forest reserves with a view to securing the cancellation of fraudulent claims, such geologists being wholly under the control of and paid by the Department of the Interior?

"It is provided by section 5 of the act transferring the administration of the forest reserves from the Department of the Interior to the Department of Agriculture, approved February 1, 1905 (33 Stat., 628), that the special fund raised by that section shall be 'available until expended as the Secretary of Agriculture may direct for the protection, administration, improvement, and extension of the federal forest reserves.'

"The agricultural appropriation act of June 30, 1906 (34 Stat., 683), makes an appropriation 'for all expenses necessary to protect, administer, improve, and extend the national forest reserves.'

"Section 1 of the transfer act of February 1, 1905 (33 Stat., 628), provides:

"The Secretary of the Department of Agriculture shall, from and after the passage of this act, execute or cause to be executed all laws affecting public lands heretofore or hereafter reserved under the provisions of section twenty-four of the act entitled 'An act to repeal the timber-culture laws, and for other purposes,' approved March third, eighteen hundred and ninety-one, and acts supplemental to and amendatory thereof, after such lands have been so reserved, excepting such laws as affect the surveying, prospecting, locating, appropriating, entering, relinquishing, reconveying, certifying, or patenting of any such lands.'

"Before the passage of the transfer act it was the practice of the Department of the Interior to have the forest officers report upon claims to land within the forests, with a view to securing the cancellation of illegal claims. In order that the purpose for which the transfer act was passed, namely, the more efficient administration and protection of the forest reserves, might be carried out, the President on May 17, 1905, instructed the Secretary of the Interior as follows:

"In view of the need for the fullest cooperation between the departments of the Interior and of Agriculture in their respective powers and duties over forest reserves and forest reserve lands, I have just written to the Secretary of Agriculture as follows:

"I would like to have you return findings of fact in all cases referred to you by the Secretary of the Interior, and take prompt action in all cases of claims or contests with regard to land within forest reserves. Please do not fail to report to the Secretary of the Interior every action taken in your department which affects him in the administration of the public lands. The situation calls for the fullest cooperation between your departments in your respective powers and duties over forest reserves and forest-reserve lands."

"In deciding any question relating to rights of way or other similar matters within forest reserves, I shall be glad if you will refer to the Secretary of Agriculture all questions of fact, and accept his findings with regard to such facts. The Secretary of Agriculture has special facilities for getting at the real situation on the ground as to settlement, etc., in the forest reserves. Therefore, I wish you would also have the local land office refer all claims, applications for mineral entry, and final proofs for land within forest reserves to you before taking any action which could give the applicant a disposable title to the land, in order that you may give the Secretary of Agriculture the opportunity of presenting to you any facts or arguments bearing upon them. All valid claims affecting forest reserve land must of course be allowed when properly proven, but full force should be given to the testimony and arguments of the Secretary

of Agriculture who, as the direct administrative officer of the reserves, will be seriously affected by your decision.

"I am asking the Secretary of Agriculture to use special care to report to you any action taken in his department affecting you in the administration of the public lands, and I need not ask you to follow the same course in whatever relates to forest reserves."

3295 "The division of jurisdiction prescribed by the transfer act of February 1, 1905, makes it absolutely essential that the Department of the Interior and the Department of Agriculture cooperate heartily and vigorously for the protection of the forest reserves. The necessity for such cooperation is constantly apparent and is illustrated by the following facts: One small group of individuals, acting together, have located placer mining claims upon 275,000 acres, heavily timbered, in the Plumas Forest Reserve. Most of these claims are believed to be fraudulent, and to have been located for the purpose of securing the timber. Under the mining laws a placer claimant has the right to remove the timber from his claim as a preliminary to working it and may sell the timber so removed. By section 1 of the transfer act of February 1, 1905, the Secretary of Agriculture is charged with the duty of protecting the timber on these 275,000 acres from fraudulent or other wrongful private appropriation. By the same section the Secretary of the Interior is charged with the duty of protecting this same 275,000 acres from fraudulent or other unlawful private location or other appropriation. It is obvious that the success of fraudulent locations of this character results in two distinct wrongs to the United States: In the first place, the Government is defrauded of title to the land, and this it is the duty of the Department of the Interior to prevent; in the second place, the Government is defrauded of the value of the timber and of its temporary use of and profits from the land, such as grazing fees, agricultural and other rentals, fees for the use of power sites, etc., and this it is the duty of the Department of Agriculture to prevent. The fraud consists in appropriating as mineral, land which is not mineral in character and upon which no discovery such as is required by the mineral laws for such appropriation has been made. To detect and prevent the fraud it is often necessary to employ skilled and competent geologists, who must go upon the land, carefully examine it in detail, and report upon its mineral or nonmineral character. In the Geological Survey the Department of the Interior has a body of skilled geologists peculiarly fitted to do this work in the best and most efficient manner. In order to defeat the claims, it is necessary that proof of the nonmineral character of the land should be made before the local land office, and from the decision of that office there is an appeal first to the Commissioner of the General Land Office and finally to the Secretary of the Interior.

"It is obvious that the Secretary of the Interior is empowered by section 1 of the transfer act of February 1, 1905, to send geologists from the Geological Survey to examine such fraudulent claims; and that their report should be used in proceedings brought by the Land Department before the local land office to cancel the claims, for in so doing the Secretary of the Interior would merely be executing laws affecting the locating and appropriating of public lands reserved as forest reserves. It is also obvious that the Secretary of Agriculture is empowered by the same section to employ geologists to examine such fraudulent claims, and that the evidence of such geologists as to the nonmineral character of the land could be reported by the Department of Agriculture to the Department of the Interior for the purpose of securing the cancellation of the claims, for in so doing the Secretary of Agriculture would be executing those laws affecting the public lands reserved as forest reserves which concern the protection of the timber and the other temporary interests in the land.

"Since either department could conduct and pay for such a geological investigation, and since it is the duty of each to do so, and since the cooperation of the two departments in this common duty will result in the more efficient and economical performance of the duty, it necessarily follows that the two departments can cooperate in the performance of the common duty. In accordance with the spirit of the President's letter to the Secretary of the Interior, dated May 17, 1905, the exact method and measure of cooperation is a matter of administrative detail which is practically left to the judgment of the two secretaries concerned. Each department might employ one geologist, if two were needed, each paying the expenses of the one employed by it; or the Department of the Interior might employ and pay the expenses of both geologists and the Department of Agriculture employ and pay the expenses of forest officers,

laborers, or other persons whose services were needed in the investigation; or the departments might share the expenses of the investigation in any way not forbidden by specific law that seemed to them most economical and efficient for the accomplishment of the desired result. It would seem to follow that the Department of Agriculture, out of its appropriation 'to protect, administer, improve, and extend the national forest reserves,' could share the burden of the geological investigation by paying the expenses of geologists, whose salaries are paid by the Department of the Interior. In this connection I respectfully call attention to your decision of January 28, 1907 (appeal No. 13089), and the language used by you on page 10 of a manuscript copy of that decision, on file in the Forest Service in this department:

"I am of the opinion, therefore, that the head of one department has no authority, either with or without the consent of the head of another department, to detail a clerk or employee of his department to duty in another department not connected with the duty of the department from which detailed. Neither has the head of one department any right to order a clerk or employee in a department of which he is not the head to perform duty in or for the department of which he is the head."

"Though your language above quoted concerned a case where a detail of a clerk from one department to another had been attempted, the words of limitation used by you in expressing the lack of authority to make such a detail seem entirely applicable to the question submitted by this letter for your decision, although no detail from one department to another is involved, for if the prohibition of such details is limited to cases where the new duty of the detailed clerk is 'not connected with the duty of the department from which detailed,' still more must that limitation take effect upon any rule or practice against the payment by one department of the expenses of an employee of another department who is engaged upon a duty intimately connected with the duty of both departments, but remains in his own department."

"The effect of this limitation upon the authority to make details is again clearly manifested by your language on page 14 of the same copy of the same decision:

"The duty performed by Mr. Rhees was not a duty required by the Treasury Department, and was not a duty to which he could have been lawfully assigned independently of the request of the Secretary of the Interior."

"A prompt decision of the question now submitted to you is urgently needed, because, acting upon the view of my powers and duties in this matter which has been above set forth, I have authorized the expenditure of money for this purpose, and certain items for such expense in the accounts of the special fiscal agent of the Forest Service for the December quarter have been questioned by the Auditor for the State and Other Departments. From informal inquiry at the auditor's office, it appears that his action rests upon his interpretation of your decision of January 28, above cited. The facts as to the authorization of such expense are as follows:

"Geologists J. G. Gillett, James A. Dorsey, and W. L. Walker, employees of the Geological Survey in the Department of the Interior, were sent into the field to make a geological examination of certain lands embraced in alleged illegal mineral land claims in several of the national forests. They acted under the authority of the Secretary of the Interior contained in his letter of July 26, 1906, attached to voucher No. 4613 of L. G. Gillett. This authority is explained by a letter of the Secretary of the Interior to the Commissioner of the General Land Office, dated August 20, and of the Commissioner of the General Land Office to the Secretary of the Interior, dated August 21 (copies enclosed). On November 3, Mr. Sydney H. Ball was substituted for Mr. James A. Dorsey by the Acting Director of the Geological Survey. Copy of the acting director's letter to the Secretary of the Interior, dated November 3, 1906, is enclosed."

"On October 17 the Secretary of Agriculture requested the Secretary of the Interior to authorize the Geological Survey to send the geologists to such national forests as might be agreed upon from time to time by the Geological Survey and the Forester, and on November 1 the Secretary of the Interior advised the Secretary of Agriculture that he had partially complied with this request. Copies of these two letters and of the letter of the Secretary of the Interior to the Director of the Geological Survey, dated November 1, are enclosed."

"On November 17 the Secretary of Agriculture requested that general authority be given the Geological Survey in this matter, and this was granted by the letters of the Secretary of the Interior to the Secretary of Agriculture

and to the Director of the Geological Survey, dated December 5. Copies of these three letters are also enclosed.

"The letters of the Secretary of the Interior, dated August 20, the Commissioner of the General Land Office, dated August 21, and of the Secretary of Agriculture, dated November 17, which have been referred to, all show that the geological examination made by the geologists named was carried on under the direction of the Geological Survey, and that the Forest Service cooperated in the investigation by lending the assistance of some of its officers and by paying the actual expenses of the geologists.

"The geologists in all of these investigations have acted under the directions of the Director of the Geological Survey and have made their reports to him. Although the direction to the geologists has been referred to in some of the correspondence as a detail, it has not been a detail from the Geological Survey or the Interior Department, but is a mere direction for the work of that department.

"The letter of the Secretary of the Interior, dated December 5, authorizing the Director of the Geological Survey to detail the geologists to the Forest Service should be considered in connection with the letter of November 17, requesting that they make the examination, and is also explained by the fact that the Director of the Geological Survey did not in fact detail the 3297 geologists to the Forest Service. They have never been under the control of the Forester, but have acted entirely under the direction of the Geological Survey, and their reports, as has been said, have been made to the Geological Survey.

"Plans are now being made for the continuance of geological examinations of this kind during the season now opening in many of the national forests. It is necessary to increase the force of geologists and to send them into the field without delay. This can not be done until the question as to my authority to pay the expenses of geologists employed by the Department of the Interior has been settled. I, therefore, have the honor to request an early decision of the question by you."

Section 2319 of the Revised Statutes provides for the occupation and purchase by citizens of lands belonging to the United States containing valuable mineral deposits. Section 2325, as amended by the act of June 22, 1880 (21 Stat., 61), provides how a patent for such lands may be obtained.

The preliminary proceedings for the procurement of a patent for lands are called entries.

The meaning of the term "entry" as used in the laws relating to public lands is indicated in section 7 of the act of May 10, 1800. (2 Stat., 75-76.) It is therein provided that it shall be the duty of registers of land offices "to receive and enter on books kept for that purpose only" applications for the purchase of land, on the payment of a fee and the production of a receipt from the Treasurer of the United States or a receiver of public moneys for a portion of the purchase money. It is also made the duty of the register of the land office to give the applicant a copy of the entry and a certificate for subsequent and final payments.

On subsequent proof, prior to the issue of a patent, that the land described in an entry is not subject to appropriation or that the entry was fraudulent, the Secretary of the Interior may direct the cancellation of the entry. (11 Pub. Land Dec., 484, 489.)

Section 453 of the Revised Statutes provides as follows:

"SEC. 453. The Commissioner of the General Land Office shall perform, under the direction of the Secretary of the Interior, all executive duties appertaining to the surveying and sale of the public lands of the United States, or in anywise respecting such public lands, and also such as relate to private claims of land, and the issuing of patents for all grants of land under the authority of the Government."

The act of June 30, 1906 (34 Stat., 724), makes appropriations for the Department of the Interior for the following objects:

"To meet the expenses \* \* \* of protecting public lands from illegal and fraudulent entry or appropriation." \* \* \*

"For expenses of hearings held by order of the Commissioner of the General Land Office to determine whether alleged fraudulent entries are of that character or have been made in compliance with law." \* \* \*

It thus appears that the Secretary of the Interior is given full authority by these laws to investigate the question whether any entries made for mineral lands in forest reserves, for which patents have not been granted, are fraudulent,

and if they are adjudged to be so to cancel them; and I think that his authority to make these investigations is exclusive.

Section 1 of the act of February 1, 1905, referred to by you, which provided for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture, authorized the Secretary of Agriculture to execute all laws affecting public lands set apart as forest reservations, "excepting such laws as affect the surveying, prospecting, locating, appropriating, entering, relinquishing, reconveying, certifying, or patenting of any of such lands."

By the terms of this provision the authority conferred upon the Secretary of Agriculture does not embrace the execution of the laws relating to entries for, or the cancellation of entries for, mining or other public lands.

Section 5 of said act also provides that all moneys received from the sale of any "products or the use of any land or resources" of said forest reserves shall for a period of five years constitute a "special fund" available, as the Secretary of Agriculture may direct, for the "protection, administration, improvement, and extension" of said forest reserves.

The act of June 30, 1906, to which you also refer, makes an appropriation for these same objects.

I think the duties imposed upon the Secretary of Agriculture by the act of February 1, 1905, concerning forest reservations and those imposed upon the Secretary of the Interior by the laws relating to public lands are quite distinct, and I am of opinion that the appropriations for the Department of the Interior for expenses of protecting public lands from illegal and fraudulent entry or

3298 appropriation and for expenses of hearings to determine whether land entries are fraudulent or not make more specific provision for these objects than is made by the special fund provided for by section 5 of the act of February 1, 1905, or the appropriation made by the act of June 30, 1906, for the "protection, administration, improvement, and extension" of forest reserves, and are therefore exclusively applicable to these objects.

This conclusion does not prevent the cooperation of the Secretary of Agriculture and the Secretary of the Interior with each other in the execution of the laws, the execution of which is confined to each of them, respectively, as directed by the President, but I do not think such cooperation requires or authorizes the use of the appropriation for the "protection, administration, improvement, and extension" of forest reserves for the investigation of land entries for the purpose of determining whether they are fraudulent or not.

The act of June 30, 1906 (34 Stat. 727-728), makes appropriations for four geologists as scientific assistants of the Geological Survey; for geological surveys in various portions of the United States; for the preparation of the report of the mineral resources of the United States; and for continuation of the survey of the public lands that have been or may hereafter be designated as forest reserves. These appropriations are under the control of the Secretary of the Interior, who has authority in his discretion to detail any geologist or other employee employed under any of said appropriations for duty in connection with the investigation of entries of mineral lands in any forest reserve, for the purpose of determining whether any such entry is fraudulent or not. But I do not think that any geologist or employee so detailed would be subject to direction by the Secretary of Agriculture, or that the compensation or expenses of such geologist or employee would be payable from the appropriation for protection, administration, etc., of forest reserves.

Respectfully,

R. J. TRACEWELL, *Comptroller*.

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MAY 27, 1907.

The honorable the SECRETARY OF THE TREASURY.

SIR: By your reference dated May 9, 1907, of a communication from the Secretary of Agriculture of the same date, you request my further consideration of a decision rendered by me to him, dated May 2, 1907, in which I held as follows:

"Section 2319 of the Revised Statutes provides for the occupation and purchase by citizens of lands belonging to the United States containing valuable mineral deposits. Section 2325 as amended by the act of June 22, 1880 (21 Stat. 61), provides how a patent for such lands may be obtained.

"The preliminary proceedings for the procurement of a patent for lands are called entries.

"The meaning of the term 'entry' as used in the laws relating to public lands, is indicated in section 7 of the act of May 10, 1800 (2 Stat., 75-76). It is therein provided that it shall be the duty of registers of land offices 'to receive and enter on books kept for that purpose only' applications for the purchase of land, on the payment of a fee and the production of a receipt from the Treasurer of the United States or a receiver of public moneys for a portion of the purchase money. It is also made the duty of the register of the land office to give the applicant a copy of the entry, and a certificate for subsequent and final payments.

"On subsequent proof, prior to the issue of a patent, that the land described in an entry is not subject to appropriation or that the entry was fraudulent, the Secretary of the Interior may direct the cancellation of the entry. (11 Pub. Land Dec., 484, 489.)

"Section 453 of the Revised Statutes provides as follows:

"Sec. 453. The Commissioner of the General Land Office shall perform, under the direction of the Secretary of the Interior, all executive duties appertaining to the surveying and sale of the public lands of the United States, or in any wise respecting such public lands, and also, such as relate to private claims of land, and the issuing of patents for all grants of land under the authority of the Government."

"The act of June 30, 1906 (34 Stat., 724), makes appropriation for the Department of the Interior for the following objects:

"To meet the expenses \* \* \* of protecting public lands from illegal and fraudulent entry or appropriation. \* \* \*

"For expenses of hearings held by order of the Commissioner of the General Land Office to determine whether alleged fraudulent entries are of that character or have been made in compliance with law. \* \* \*

"It thus appears that the Secretary of the Interior is given full authority by these laws to investigate the question whether any entries made for the mineral lands in forest reserves, for which patents have not been granted, are 3290 fraudulent, and if they are adjudged to be so to cancel them; and I think that his authority to make these investigations is exclusive.

"Section 1 of the act of February 1, 1905, referred to by you, which provided for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture, authorized the Secretary of Agriculture to execute all laws affecting public lands set apart as forest reservations 'excepting such laws as affect the surveying, prospecting, locating, appropriating, entering, relinquishing, reconveying, certifying, or patenting of any of such lands.'

"By the terms of this provision the authority conferred upon the Secretary of Agriculture does not embrace the execution of the laws relating to entries for, or the cancellation of entries for, mining or other public lands.

"Section 5 of said act also provides that all moneys received from the sale of any 'products or the use of any land or resources' of said forest reserves shall for a period of five years constitute a special fund, available, as the Secretary of Agriculture may direct, for the 'protection, administration, improvement, and extension of said forest reserves.'

"The act of June 30, 1906, to which you also refer, makes an appropriation for these same objects.

"I think the duties imposed upon the Secretary of Agriculture by the act of February 1, 1905, concerning forest reservations, and those imposed upon the Secretary of the Interior by the laws relating to public lands, are quite distinct, and I am of the opinion that the appropriations for the Department of the Interior for expenses of protecting public lands from illegal and fraudulent entry or appropriation, and for expenses of hearings to determine whether land entries are fraudulent or not, make more specific provision for these objects than is made by the special fund provided for by section 5 of the act of February 1, 1905, or the appropriation made by the act of June 30, 1906, for the 'protection, administration, improvement, and extension' of forest reserves, and are therefore exclusively applicable to those objects.

"This conclusion does not prevent the cooperation of the Secretary of Agriculture and the Secretary of the Interior with each other in the execution of the laws, the execution of which is confined to each of them, respectively, as directed by the President, but I do not think such cooperation requires or authorizes the use of the appropriation for the 'protection, administration, improvement, and extension' of forest reserves for the investigation of land entries for the purpose of determining whether they are fraudulent or not.

"The act of June 30, 1906 (34 Stat., 727-728), makes appropriations for four geologists, as scientific assistants of the Geological Survey; for geological surveys in various portions of the United States; for the preparation of the report of the mineral resources of the United States; and for continuation of the survey of the public lands that have been or may hereafter be designated as forest reserves. These appropriations are under the control of the Secretary of the Interior, who has authority in his discretion to detail any geologist or other employee employed under any of said appropriations for duty in connection with the investigation of entries of mineral lands in any forest reserves, for the purpose of determining whether any such entry is fraudulent or not. But I do not think that any geologist or employee so detailed would be subject to direction by the Secretary of Agriculture, or that the compensation or expenses of such geologist or employee would be payable from the appropriation for protection, administration, etc., of forest reserves."

In his communication to you, the Secretary of Agriculture says:

"If this decision stands it can not fail to have a very detrimental effect upon the public interests by preventing the detection of public land frauds in national forests, and the Government will be defrauded of title to vast areas of very valuable forest land."

If the decision is erroneous, and a compliance therewith will operate to prevent the detection of land frauds in national forests, it might properly be said that the decision would have such detrimental effect. But if the decision is a proper interpretation and application of the laws enacted by Congress, that effect should be ascribed to the law and not to the decision. But I am not aware of anything in the law as interpreted in the decision that should operate to prevent the detection of land frauds in national forests, unless it is that Congress has not appropriated a sufficient sum of money to enable the Secretary of the Interior to fully execute the provisions of law which authorize him to make the necessary investigations to determine that entries for mineral lands have been fraudulently made in forest reserves.

If this is true, of which I have no knowledge, I have no power to supply the deficiency, or to authorize the use of any other appropriation not applicable thereto.

The particular point decided by me was that the Secretary of Agriculture is not authorized to pay from moneys appropriated for protection, administration, etc., of forest reserves the expenses of geologists of the Geological Survey of the Interior Department while employed by the Secretary of the Interior in the investigation of entries of mineral lands in forest reserves, for the purpose of determining whether such entries are fraudulent, with a view to their cancellation.

I have carefully reconsidered this point and I find no reason to change the conclusion I reached in my former decision.

The act of February 20, 1896 (29 Stat., 11), provides that certain forest reservations in the State of Colorado shall be open to the location of mining claims thereon for gold, silver, and cinnabar, and that title to such claims may be acquired in the same manner as that for mining claims upon the other mineral lands of the United States (see sec. 2319, Revised Stats., *et seq.*), and that owners of valid mining locations under said act are authorized to fell and remove for actual mining purposes in connection therewith any timber growing on the land claimed. I think these provisions are declaratory of the general law.

The act of June 4, 1887 (30 Stat., 35), provides that it is not the purpose of the act providing for forest reservations to authorize the inclusion therein of lands more valuable for the mineral therein or for agricultural purposes than for forest purposes.

The question whether public land is mineral, agricultural, or swamp or timber land, for the purpose of entry, is subject to determination by the Commissioner of the General Land Office, and on appeal from him by the Secretary of the Interior. (*Borden v. Northern Pacific Railroad*, 154 U. S., 288, 320.)

The above provisions of law and those cited in my former decision indicate that the lands in forest reserves are open to entry thereon of mining claims in like manner as other public lands, and that the enforcement of the laws governing the making of such entries and their cancellation, where fraudulent, is confided to the Secretary of the Interior.

The act of June 4, 1897, *supra*, also provides that the Secretary of the Interior shall make provision for the protection against destruction by fire and depredations of the forests upon the public lands and forest reservations. The enforce-



ment of these provisions was transferred to the Secretary of Agriculture by section 1 of the act of February 1, 1905 (33 Stat., 628). Section 5 of this act also provides that moneys received from the sale of any products or the use of any land or resources of the forest reserves should constitute a special fund to be expended by the Secretary of Agriculture for the protection, improvement, and extension of forest reserves. The appropriation made by the act of June 30, 1906 (34 Stat., 683), also authorizes expenditures for "administration" of the national forest reserves. But the enforcement by the Secretary of Agriculture of laws relating to "surveying, prospecting, locating, appropriating, entering, relinquishing," etc., any such lands, which include the investigation of fraudulent entries, was expressly excepted from the authority therein transferred and granted to the Secretary of Agriculture. The granting of rights of way across forest reserves by the Secretary of the Interior is also authorized by said act.

I think a comparison of the foregoing provisions indicates that the powers and duties of the Secretary of the Interior and of the Secretary of Agriculture in connection with forest reserves are clearly distinct. They may be summarized as follows:

1. The powers and duties of the Secretary of the Interior pertain to surveying the lands, granting rights of way over them, and supervising entries of claims and granting patents for lands, including the investigations and cancellation of fraudulent entries. All of these powers and duties pertain to the title to the lands.

2. The powers and duties of the Secretary of Agriculture pertain to the care, protection, improvement, and extension of the forests, and also to the sale of dead and matured trees and leasing the use of lands for grazing and other purposes. All of these powers and duties pertain to the products of the lands.

In a communication from the Secretary of the Interior to the Secretary of Agriculture, dated June 8, 1905, the following views on one branch of this subject are expressed:

"In further reply to your letter of April 28, 1905, and after an informal conference between the law officer of the Forestry Bureau of your department and the Assistant Attorney-General for this department, I have to advise you that it is believed the respective jurisdictions of the two departments over applications for rights and privileges within forest reserves may be safely defined as follows, namely, that your department is invested with jurisdiction to pass upon all applications under any law of the United States providing for the granting of a permission to occupy and use lands in a forest reserve which occupation or use is temporary in character, and which, if granted, will in no wise affect the fee or cloud the title of the United States should the reserve be discontinued, but that this department retains jurisdiction over all applications affecting lands within a forest reserve the granting of which amounts to an easement running with the land, with the further understanding that any permission or license granted by your department is subject to any later disposal of the land by this department. Within the limits of the separate jurisdictions herein defined it is believed that the actions of the two departments will proceed harmoniously.

"This department would be pleased to be informed as to whether these views coincide with the views of your department, and whether you have any further suggestions to make in the premises."

(By letter of June 13, 1905, the Secretary of Agriculture expressed his concurrence in the views herein set forth.)

The appropriations made for their respective departments provide for the expense necessary in the exercise and performance of their respective powers and duties, and they are likewise made for distinct objects.

1. The appropriation for the Interior Department providing for expenses of protecting public lands from illegal and fraudulent entry or appropriation has for its object the investigation of entries and the cancellation thereof where fraudulent. The effect of such cancellation is to deprive the entryman of any legal right to occupy the land or to cut timber thereon, whether in forest reserves or other public lands, and operates indirectly to protect the forests from further destruction by illegal entryman.

2. The appropriation for the Department of Agriculture providing for the protection, administration, improvement, and extension of forest reserves has for its object the protection of the forests from destruction by fire and depredations other than the cutting of timber by entryman.

Section 3678 of the Revised Statutes provides as follows:

"All sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others."

I think the use of the appropriation for protection, etc., of forest reserves for paying the expenses of investigating entries of mining or other claims, with a view to their cancellation if fraudulent, would be in contravention of the above provisions, and that such use is therefore unauthorized.

Respectfully,

R. J. TRACEWELL,  
Comptroller.

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TREASURY DEPARTMENT,  
OFFICE OF COMPTROLLER OF THE TREASURY,  
Washington, May 27, 1907.

The honorable the SECRETARY OF AGRICULTURE.

SIR: In your communication of May 16, 1907, you request my decision of a question which you therein present as follows:

"The agricultural appropriation act approved March 4, 1907 (Public, 242, page 29), carries an appropriation of \$25,000, to be immediately available, to survey, ascertain, and report to Congress the area and natural conditions of the watersheds of the southern Appalachian Mountains and White Mountains, with a view to the Government's purchasing and setting apart the same as national forests for the purpose of conserving and regulating the water supply and flow of said streams. I have delegated to the Forest Service of this department the duty of making this survey and report, and a part of the necessary work is the gauging of streams of these watersheds.

"By the sundry civil appropriation acts of June 30, 1906 (34 Stat., 728), and of March 4, 1907 (Public, 253, page 47), an appropriation is made for the Geological Survey for gauging streams and determining the water supply of the United States and the preparation of reports upon the best methods of utilizing the water resources. In pursuance of these acts the Geological Survey will have available in the area of the Appalachian Mountains and White Mountains watersheds a force of hydrographers for continuing the measurements which have been made for several years.

"The stream measurements which are demanded by the needs of the Forest Service will require a supply of the same kinds of instruments and the services of hydrographers with necessary supervision.

"To a considerable extent the location of the gauging stations required under the general appropriation for gauging the streams and for the specific purposes of Forest Service projects are in the same general territory, and the measurements at these several stations can be made by the same person with but little additional expense. Furthermore, there would be but small additional expense to extend the supervision required by the work of gauging streams over the similar work required by the Forest Service.

"To carry on these two works along identical lines under separate supervision will require duplication of work and instruments and involve considerable additional expense to the United States. A large part of the expense is 3302 due to traveling and in many cases a trip which would cover the stations of the Geological Survey could be extended at small expense to cover those of the Forest Service, while if they were taken separately the cost of travel would be nearly doubled.

"In order to avoid the duplication of work, the unnecessary increase of expense, it is desired that the Geological Survey should establish and maintain the necessary additional stations required for the work of the Forest Service, make the appropriate measurements, and furnish the Forest Service with the completed results, the cost of the work for the Forest Service to be paid to the Geological Survey by a transfer of appropriations, upon the rendition of a statement of account for the cost of the results furnished.

"Both the appropriation for gauging streams and that for the Appalachian Mountains and White Mountains watershed survey are applicable to the work of obtaining stream measurements on waters within the area of those watersheds. The Geological Survey would not establish and maintain the additional stations required for the work of the Forest Service unless reimbursement can be made out of the agricultural appropriation for the survey of the Appalachian

Mountains and the White Mountains watersheds, as its funds could be more effectively applied elsewhere for the general public benefit.

"I respectfully request your decision of the question whether such reimbursement can be made by transfer of moneys from the agricultural appropriation for the survey of the Appalachian Mountains and White Mountains watersheds (act March 4, 1907, public, 242, page 29) to either of those for gauging streams (act June 30, 1906, 34 Stat., 728; act March 4, 1907, public, 253, page 47)."

The appropriation for survey and report on the Appalachian and White Mountain watersheds made by the act of March 4, 1907, ch. 2907 (34 Stat., 1231) provides as follows:

"To enable the Secretary of Agriculture to examine, survey, and ascertain the natural conditions of the watersheds at and near the sources of the various rivers having their sources in the Southern Appalachian Mountains and the White Mountains, and to report to Congress the area and natural conditions of said watersheds, the price at which the same can be purchased by the Government, and the advisability of the Government purchasing and setting apart the same as national forest reserves for the purpose of conserving and regulating the water supply and flow of said streams in the interest of agriculture, water power, and navigation, twenty-five thousand dollars, to be immediately available."

The acts of June 30, 1906, and March 4, 1907, ch. 2918 (34 Stat., 728 and 1335-1336), contain the following appropriations for the Geological Survey of the Interior Department:

"For gauging the streams and determining the water supply of the United States, and for the investigation of underground currents and artesian wells, and the preparation of reports upon the best methods of utilizing the water resources. \* \* \*"

"For continuation of the survey of the public lands that have been or may hereafter be designated as forest reserves. \* \* \*"

1. The object of the appropriation for survey and report on the watersheds of the Appalachian and White Mountains is to furnish Congress with information for determining upon the advisability of purchasing said watersheds as national forest reserves.

2. The object of the appropriation for gauging the streams and determining the water supply of the United States, etc., is to procure information concerning the utilization by the public of the water resources of the United States, for publication in the report of the Geological Survey on Progress of Stream Measurements.

3. It is understood that the object of the appropriation for the survey of the public lands that have been or may hereafter be designated as forest reserves is the making of original topographical maps of forest reserves.

The particular object of each of these appropriations is therefore distinct from that of the other two appropriations, respectively.

The performance of work by one bureau for another in the same department or by one department for another, and the transfer of supplies and other articles from one to another, and the reimbursement of the appropriation from which payment therefor was originally made by a transfer of moneys from the appropriation applicable to the procurement of the work or the purchase of the supplies or articles under the control of the bureau or department benefiting by or receiving the same, has been recognized by long practice and is often economical and advantageous. I see no legal objection to this practice. (10 Comp. Dec., 297.)

I am therefore of opinion that reimbursement from the appropriation for survey and report on the Appalachian and White Mountain watersheds to either of the appropriations for gauging the streams and determining the water supply of the United States, etc., referred to, for work done or expenses incurred by the Geological Survey in measuring streams in the watersheds of the Appalachian and White mountains, in the respective fiscal years for which the latter appropriations are made, for use in the report to be made to Congress by the Secretary of Agriculture under the former appropriation, is authorized.

Respectfully,

R. J. TRACEWELL, *Comptroller*.

The President, *The White House*.

SIR: In accordance with your instructions, I have examined the two decisions of the Comptroller of the Treasury bearing date May 2nd and May 27th, 1907, respectively, and the several communications from the Departments of the Interior and of Agriculture accompanying the same, and submit my opinion respecting the question of law therein discussed. This question is thus stated in the memorandum of the law officer of the Forest Service to the Comptroller requesting a reconsideration of the former of these decisions:

"May the Secretary of Agriculture, out of the appropriation 'General expenses, Forest Service, \* \* \* to protect, administer, improve, and extend the national forest reserves' (act of June 30, 1906, 34 Stat., 683), or the appropriation raised by section five of the act of February 1, 1905 (33 Stat., 628), for the 'protection, administration, improvement, and extension of the federal forest reserves' pay the expenses of geologists employed by the Geological Survey of the Department of the Interior, to examine mining claims in forest reserves *with a view to securing the cancellation of such claims, such geologists to be wholly under the control of, and paid by, the Department of the Interior?*"

The italics in this citation are my own.

There can be, I think, no doubt that under ordinary circumstances a specific appropriation for a purpose particularly designated is so far exclusive that it prohibits the expenditure for that particular purpose of money covered by a general appropriation which might be otherwise available for the said purpose. This view accords with the spirit and intent of U. S. R. S., sec. 3678, cited by the Comptroller in his second decision, and which is in the words following:

"All sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others."

In this case the Secretary of the Interior has a specific appropriation of \$250,000—"to meet the expenses of protecting timber on the public lands and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudulent entry or appropriation; and of adjusting claims for swamp lands and indemnity for swamp lands."

Moreover, the "transfer act" approved February 1, 1905 (33 Stat., 628, sec. 1), provides that:

"The Secretary of the Department of Agriculture shall, from and after the passage of this act, execute or cause to be executed all laws affecting public lands heretofore or hereafter reserved under the provisions of section twenty-four of the act entitled 'An act to repeal the timber-culture laws, and for other purposes,' approved March third, eighteen hundred and ninety-one, and acts supplemental to and amendatory thereof, after such lands have been so reserved, *excepting such laws as affect the surveying, prospecting, locating, appropriating, entering, relinquishing, reconveying, certifying, or patenting of any of such lands.*"

The passage which I have italicized in this citation indicates very clearly an intention on the part of the Congress that the Department of the Interior and not the Department of Agriculture should administer the laws relating to the cancellation of fraudulent or irregular claims to public lands within the forest reserves and, taken in connection with the other provisions of law above cited, it shows, in my opinion, *as the question is stated* in the "memorandum" first quoted, that the said question must be answered, as the Comptroller has answered it, in the negative.

I think, however, that this answer is required or even justified only by so much of the said question as I have put in italics. Were these words omitted and the question put as follows: "May the Secretary of Agriculture, out of the appropriation 'General expenses, Forest Service, \* \* \* to protect, administer, improve, and extend the national forest reserves' (act of June 30, 1906, 34 Stat., 683); or the appropriation raised by section five of the act of February 1, 1905 (33 Stat., 628), for the 'protection, administration, improvement, and extension of the federal forest reserves' pay the expense of geologists employed by the Geological Survey of the Department of the Interior, to examine mining claims in forest reserves?" I should have no difficulty in answering it "Yes." Not only has the Secretary of Agriculture very clearly the right to make any investigations necessary or appropriate to the proper discharge of his duties "to protect, administer, improve,

and extend the national forest reserves," and, for these purposes, the ascertainment of the geological conditions of the soil in certain parts of these reserves may be obviously relevant, but, as noted by the law officer of the Forest Service in his letter to the Comptroller of May 18, 1907, the appropriation acts approved June 30, 1906 (34 Stat., 684), and March 4, 1907 (*ibid.*, 1289), expressly authorize the expenditure of this appropriation "to ascertain the natural conditions of \* \* \* the national forests." Neither the Comptroller nor the Attorney-General is in anywise concerned with the use which the Secretary of Agriculture may propose to make of the information thus acquired. The information itself being relevant to the discharge of his duties under the law, it must be presumed that it is acquired for use in connection with the duties aforesaid, in the absence of an official statement that it is acquired for other purposes. The fact that some one may have attempted to locate a mining claim on the part of the forests so investigated can not affect the right of the Secretary of Agriculture to make the investigation, nor is it material that this fact may have suggested to the Secretary the advisability of having the "natural conditions" of the particular tract investigated.

Of course, when any information has been thus obtained by the Department of Agriculture, the President can place it at the disposition of the Department of the Interior (or any other department) to be used for any purpose appropriate to the duties of the last-mentioned department, and, no less obviously, the geologists or other persons employed by the Department of Agriculture to obtain this information may be required to testify, or otherwise cooperate, in any proceedings undertaken by the Department of the Interior to secure the cancellation of fraudulent or irregular claims.

Very respectfully,

(Signed)

CHARLES J. BONAPARTE,  
Attorney-General.

3303

TREASURY DEPARTMENT,  
OFFICE OF COMPTROLLER OF THE TREASURY,  
Washington, June 13, 1907.

The honorable the SECRETARY OF THE TREASURY.

SIR: I am in receipt of your verbal reference of an opinion rendered by the Attorney-General under date of June 10, 1907, wherein he reviews a decision rendered by me on the 2nd day of May, 1907, and *reconsidered and affirmed on the 27th day of May, 1907*, to the Secretary of Agriculture and in response to a question propounded to me by said Secretary. Said question being fully quoted by the Attorney-General on pages 1 and 2 of his opinion, a copy of said opinion is made by reference a part hereof.

I made the decision in question on the question submitted by the Secretary of Agriculture, and was not at liberty to add to nor take away from the question propounded to me by him.

The Attorney-General in his opinion, *supra*, concurs in the conclusions reached by me in my said decision upon the question I was called upon to consider therein, and then eliminates the part of the question underscored in his opinion, and states the question considered by him as follows:

"May the Secretary of Agriculture, out of the appropriation 'General expenses, Forest Service, \* \* \* to protect, administer, improve, and extend the national forest reserves' (act of June 30, 1906, 34 Stat., 683), or the appropriation raised by section five of the act of February 1, 1905 (33 Stat., 628), for the 'protection, administration, improvement, and extension of the federal forest reserves,' pay the expenses of geologists employed by the Geological Survey of the Department of the Interior, to examine mining claims in forest reserves?"

The question so stated materially differentiates it from the question I considered. I find no difficulty in agreeing with the conclusions reached by the Attorney-General, and if such question had been propounded to me I should have answered "Yes," with the necessary qualification that such payment was to be a reimbursement to the proper appropriation of the Interior Department used originally to pay the necessary expenses of such geologists incurred in the ascertainment of the geological or natural conditions of the soil in the reserves so examined by them at the request of the Secretary of Agriculture. Such examinations would have to be made by the Interior Department for the Agricultural Department. The Secretary of the Interior is not authorized by law to detail his force, or any part of it, to perform services for the Agricultural Department, but is authorized, on request, to perform a given service for the Agricultural

Department and to have the appropriation used in performing said service reimbursed from the appropriation in the Agricultural Department receiving the benefit of such service.

I furthermore agree with the views expressed in the opinion of the Attorney-General, that if such geologists should in the prosecution of their duties in ascertaining the geological and natural conditions of the soil in forest reserves, said investigation being made upon the request of the Secretary of Agriculture, ascertain as an incident to said inquiry (and no reason is seen why they would not necessarily obtain such information) that mining or other fraudulent claims are asserted to such lands so examined, such discovery is no objection to the use of the Agricultural appropriation to reimburse the Interior Department for making such investigations; and the facts relative to title so discovered by the Agricultural Department can and should be put to any proper use that they would have been put to if discovered by the Department of the Interior in its own independent investigations made with a view relative to the question of title.

3304 In order to prevent any misunderstanding of the effect of my decision as applied to the facts discussed by the Attorney-General, I will send copies hereof to the Secretaries of Agriculture and the Interior and to the auditors of the Interior and State Departments.

Respectfully,

R. J. TRACEWELL, *Comptroller*.

3309

MAY 28, 1903.

THE SECRETARY OF THE INTERIOR.

SIR: I have the honor to call your attention to the change in the wording of the appropriation for surveys of forest reserves in the sundry civil bill of this session of Congress. The amendment proposed in your estimate limiting the survey to "topographic surveys" was not made upon my suggestion, although I later agreed to the same in the conference you asked me to have with the Commissioner of the General Land Office.

In view of this limitation, I feel compelled to recommend that plans for the expenditure of the \$75,000 under this item provide for field surveys within the national forests, with only such office drafting and compilation as pertains to these surveys and similar topographic surveys of national forests made under similar appropriations in past years. The selection of areas for these field surveys should be based wholly upon the needs of the Forest Service and in conformity with requests from that service, providing, however, as far as practicable, for the completion of surveys in progress which were inaugurated on requests previously made by the Forest Service.

In making this recommendation I am fully cognizant of the urgent desire of the Forest Service to complete its forest atlas at the earliest possible moment, and the expressed willingness to be content for the present with a compiled map based upon data of all degrees of accuracy and inaccuracy. Compilation work of this character is now in progress both at the survey and at the Forest Service; but the resulting maps are only makeshifts, in so far as these are not based upon actual topographic surveys, and already in many cases such compilations are being made the second time, and it is expected and even contemplated that what is done now must be recompiled and reprinted in the future. This compilation of data from other sources can be equally well prosecuted by the Forest Service as by the Geological Survey, it being office work wholly unconnected with the field work of the survey.

Full and careful consideration of this matter has convinced me that even if the compilation of the type proposed and to the extent demanded were in accord with either the letter or the spirit of the present appropriation item, its continuation would be inadvisable as necessitating an annual expenditure of the whole or a large part of the appropriation in the office preparation of makeshift maps, which would be subject to constant revision, while little or no progress could be made in the actual topographic surveys of the national forests, upon which surveys must be based the maps which will meet the real needs of the Forest Service for its administration of the national forests. However, I base my recommendation not upon this question of economic administration, but upon my understanding of the intent of this appropriation, which is made to the survey because of its field force of trained topographers.

Whatever the plan adopted for the work under this appropriation item, the charge made against the \$75,000 for general office expenses will be on exactly the same basis as in the case of every other appropriation item under the survey, namely, an assessment based upon actual cost of administration, and pro-

portionate to actual returns to the work under this appropriation. No topographer while on the pay roll from this appropriation will be engaged in any work pertaining to any other division of the survey, nor will any clerk or other employee be paid from this appropriation for a period incommensurate with the amount of service actually rendered to this work. This plan has been carried out to the best of my ability during the current year with this as with all other appropriations.

Very respectfully,

G. O. S., *Director.*

3310

SECRETARY'S OFFICE,  
DEPARTMENT OF THE INTERIOR,  
*Washington, D. C., May 30, 1908.*

DEAR SIR: I have your letter of May 28, regarding the appropriation for surveys for forest reserves, in the sundry civil bill, for the year ending June 30, 1909.

After conference with you and Mr. Pinchot, the Chief of the Forest Service, I have reached this conclusion: The purpose of this appropriation is to afford to the Forest Service such topographic maps of the forests as are required for the needs of that service. Therefore the work of the Geological Survey will be carried on in accordance with the requests of the Forest Service, as to area, survey, and compilation, the printing to be paid for by the Forest Service. In making this arrangement with the Forest Service it is distinctly understood that the Geological Survey is in no way responsible for any material other than that which it uses as a result of its own field service, but that in each instance where material is obtained from sources other than its own, either supplied by the Forest Service or obtained from any other governmental agency, the Geological Survey will so advise the Forest Service and will not be responsible for any error in result caused by imperfect material so furnished or obtained. The Geological Survey will charge against any portion of the appropriation used for this purpose its proportionate administrative charge for both field and office work. I appreciate that much of the work thus compiled will be subject to revision later, but, as I have learned from the Forest Service, the immediate need of that service is to obtain the compilation and printing of maps covering the largest possible area of the national forests at the earliest moment, and hence it will be impossible to do this if we are to rely wholly upon our own field service. You are therefore authorized to so use whatever portion of the appropriation may be necessary to meet the requirements of the Forest Service. If the Forest Service desires any field work done this next year they must advise the Geological Survey immediately, to the end that the field force may be in shape to carry on the work. Unless this information is given immediately the field forces will be dismissed or transferred to other work, and there may be an unexpended balance of the total appropriation, which will, of course, be returned to the Treasury, unless it can be otherwise utilized.

I have sent a copy of this letter to Mr. Pinchot, of the Forest Service, requesting him to immediately advise you as to the character and amount of work desired next year.

Very respectfully,

JAMES RUDOLPH GARFIELD,  
*Secretary.*

The DIRECTOR OF THE GEOLOGICAL SURVEY.

3505

UNITED STATES DEPARTMENT OF AGRICULTURE,  
FOREST SERVICE, OFFICE OF THE FORESTER,  
*Washington, June 8, 1908.*

HON. GEORGE OTIS SMITH,  
*Director U. S. Geological Survey.*

DEAR MR. SMITH: Last night I had a conversation with Mr. Barnard, of the Geological Survey, who confirmed the report which had already reached me, that very high-priced men were being used on compilation of the forest maps. I desire to put on record my emphatic protest that men of this grade should be employed. It seems to me unfair to charge the salary of men getting \$2,400 and \$2,200 a year against work which requires a grade of ability which can be supplied for \$100 a month in a thoroughly satisfactory way. While I would agree with you at once that it was perfectly right to put on this roll men who otherwise would have done the field work in forest mapping, it does not seem

to me right to add to it topographers who would not have been connected with the work if the money had been spent in the field. I desire to put this emphatic protest on record at this time.

Very sincerely, yours,

GIFFORD PINCHOT, *Forester.*

3506

JUNE 12, 1908.

MR. GIFFORD PINCHOT,  
*Forester, Forest Service.*

MY DEAR MR. PINCHOT: In reply to your letter of June 8:

I note your emphatic protest against "very high-priced men" being assigned to the compilation work on the maps of the national forests. This appears to me to be a matter of administration in this office, for which I am responsible, and I regret very much that unfavorable comments concerning the administration of the Geological Survey continue to reach your ear. Officially, I do not feel called upon to answer anonymous criticisms of the character that have been made to you on this and previous occasions. Personally, however, I am glad, as I think you must appreciate, to give you any details which may clear the matter up in your own mind.

You will remember that in my hurried conversation with you on Monday evening I made the statement that I had already assured myself that this office was assigning to the map compilation work the same grade of men as had been engaged in the topographic surveys of the national forests during the past year or two. I made this statement on the basis of a careful consideration of the matter with the chief geographer at the time the assignments were made. I now have before me a detailed memorandum showing the salaries of topographers who have worked on topographic surveys in the national forests, both in the field and office, during the past three years, for either the whole or a part of each year. This memorandum does not include those who have worked on the office compilation work alone. In 1905-6 the average salary of the national forest topographers was \$1,380; in 1906-7 the average salary was \$1,644; and in 1907-8 it was \$1,777. The average salary at present of the field men assigned to the compilation of special forest maps, not including those who had been detailed to this work regularly for the past year, is \$1,755. In addition to the above there will be detailed to this work later about 16 young topographers, at \$70 per month, who are now engaged in field work, but will be available for this compilation work for about six months. This detail is expected to bring the average salary for the year down to \$1,325.

These figures should not be taken absolutely, especially as recommendation has just been made for the promotion of several of the men assigned to this work, along with that for a number of others in the topographic branch, and the result of these promotions will raise the average somewhat, just as it would have raised the average pay of the men had they been assigned to field work in national forests this year. It is also possible that some of the higher-priced topographers may be assigned to this work later in the year for short periods.

I wish you to note, furthermore, that this low average of salaries has been provided, in spite of the fact, as stated to you by Mr. Barnard, that there was not the same freedom of choice in the matter of selection of topographers for the compilation work that there would have been earlier in the season before more than half the men had already taken the field.

I note further your statement that while you would agree with me at once that it was "perfectly right to put on this work men who otherwise would have done the field work" in national forests, you do not consider it "right to add to it topographers who would not have been connected with the work if the money had been spent in the field." I believe, however, you will agree with me that the best organization of both the compilation work and the field work the present year might not permit identically the same men being assigned to the compilation work this year who did field work in the national forests last year. I presume that your meaning is that it would be unfair to put higher-priced men on the compilation work than would have been assigned to the forest surveys this year, or than were assigned to such surveys last year. In this connection I wish to state that of the nine topographers already assigned to the office work, four were actually engaged in the national forest surveys last year, and these have a larger average salary than the five other field men assigned to the compilation work. It is also a fact that the average salary of these five topographers is less than the average for the regular field men on national forests last year. At the time of the writing of your protest there



was no man assigned to this compilation work with a salary of either \$2,400 or \$2,200. One case to which you refer was that of Mr. Tweedy, who had been earlier mentioned for the compilation work. Before your protest was written, however, it was decided that he should go into the field for a part of the season at least; but it is also interesting to note that Mr. Tweedy was 3507 among those engaged in topographic surveys in the national forests for a portion of last year.

I trust that this statement will be satisfactory to you, for I have a personal interest and pride in "delivering the goods" to the Forest Service, according to this year's specifications, especially in view of the fact that I could not and can not agree with you in the matter of the policy adopted in the expenditure of the appropriation for "topographical surveys of \* \* \* forest reserves." I had hoped that my statement to both you and the Secretary of the Interior that I would conform with his instructions to the best of my ability would be taken by you at par. Therefore, I must request that this statement go on record in your files along with your emphatic protest.

Very sincerely, yours,

GEO. OTIS SMITH,  
*Director.*

1392

TREASURY DEPARTMENT,  
OFFICE OF COMPTROLLER OF THE TREASURY,  
*Washington, January 13, 1910.*

The honorable the SECRETARY OF AGRICULTURE,

SIR: I am in receipt of your communication, bearing date of yesterday, with a request that I render a speedy advance decision, as therein requested. The communication reads:

"I am in receipt of a report from Acting Forester McCabe that approximately 200 forest rangers are attending the University of Washington, the University of Montana, the Utah Agricultural College, and the University of Colorado for short courses in forestry at an expense to the Government of between \$15,000 and \$20,000 a month; that these men have been sent to these institutions to take courses in forestry and have been assured by the Forest Service that their expenses for transportation from their stations to the colleges and return and their regular salaries for the time spent at the universities and colleges will be borne by the United States.

"The Acting Forester reports to me that as soon as he discovered this condition, entertaining grave doubts as to the legality of a payment of salary from government appropriations to men attending institutions of learning as students, he wired to all disbursing officers of the Forest Service, instructing them, until otherwise ordered, not to pay any salary or expense accounts to employees of the Forest Service incurred on account of attendance as students at the universities or colleges.

"I am informed that courses of instruction which are being attended as students by Forest Service rangers on government time are now being given at the University of Washington, the University of Montana, the Utah Agricultural College, and the University of Colorado. The term of instruction is from eight to ten weeks and the number of rangers in attendance at each school is from 40 to 60. It is probable that the total number will not exceed 200. The subjects of instruction include surveying, silviculture, dendrology, timber scaling, range management, and other topics. I am informed by the Forest Service that the character of the work is severely practical and in some ways comparable to the short course in agriculture given by some agricultural colleges for actual farmers, who come for a few weeks of instruction.

"This arrangement comes to my attention now for the first time, and I share in the doubts entertained by Mr. McCabe as to the legality of the payment from a government appropriation of salary for time spent by employees of the service as students at an institution of learning, no matter what may be the character of the subjects they study. If this plan can be legally carried on by the Forest Service, I see no reason why discrimination should be made against men employed in other branches of scientific work in the Department of Agriculture, which would involve the payment of salaries from appropriations made for the Department of Agriculture for meat inspectors at veterinary schools, chemists at chemical schools, pomologists, horticulturists, agronomists, and others at the various agricultural colleges, and the attendance of Weather Bureau employees at meteorological lectures at the various colleges having such courses. It is true that some of the men might be made more efficient by such courses and the

plan would popularize the department among ambitious young men desirous of securing an education along technical lines, but I do not believe it was the intention of Congress that greater efficiency in the individual should be secured by paying from government funds for his education at a private or state institution of learning.

"I have the honor to ask to be advised at your earliest convenience whether, upon the statement of facts submitted, the salaries of these forest rangers for time actually consumed by them in attendance at the schools named and transportation expenses for such rangers from their stations to the colleges and return is a proper charge against the appropriation 'General expenses, Forest Service, 1910.'"

The appropriation out of which the proposed payments about which you inquire must be made, if made, is the annual appropriation for the present fiscal year and reads:

"To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry, national forests, forest fires, and lumbering, but no part of this appropriation shall be used for any experiment or test made outside the jurisdiction of the United States; to advise the owners of woodlands as to the proper care of the same; to investigate and test American timber and timber trees and their uses, and methods for the preservative treatment of timber; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to erect necessary buildings: *Provided*, That the cost of any building erected shall not exceed five hundred dollars, to pay all expenses necessary to protect, administer, and improve the national forests, to ascertain the natural conditions upon and utilize the national forests; and the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the national forests, except the Black Hills National Forest in South Dakota, to be exported from the State, Territory, or the District of Alaska, in which said forests are respectively situated: *Provided*, That the exportation of dead and insect-infested timber only from said Black Hills National Forest shall be allowed until such time as the forester shall certify that the ravages of the destructive insects in said forests are practically checked, but in no case after July first, nineteen hundred and ten; to transport and care for fish and game, supplied to stock the national forests or the waters therein; to employ fiscal and other agents, clerks, assistants, and other labor required in practical forestry and in the administration of national forests; in the city of Washington and elsewhere to collate, digest, report, and illustrate the results of experiments and investigations made by the Forest Service; to purchase law books to an amount not exceeding five hundred dollars, necessary supplies, apparatus, and office fixtures, and technical books and technical journals for officers of the Forest Service stationed outside of Washington; to pay freight, express, telephone, and telegraph charges; for electric light and power, fuel, gas, ice, washing towels, and official traveling and other necessary expenses; and for rent in the city of Washington and elsewhere, three million nine hundred and eighty-six thousand dollars: *Provided*, That no part of the money herein appropriated shall be used to pay the transportation or traveling expenses of any forest officer or agent except he be traveling on business directly connected with the Forest Service and in furtherance of the works, aims, and objects specified and authorized in and by this appropriation; *Provided further*, That no part of this appropriation shall be paid or used for the purpose of paying for in whole or in part the preparation or publication of any newspaper or magazine article, but this shall not prevent the giving out to all persons without discrimination, including newspaper and magazine writers and publishers, of any facts or official information of value to the public.—Agricultural act, March 4, 1909."

It is a fundamental and statutory fact under the method of appropriating made by Congress to support the government services, that all appropriations must be used for the specific purpose for which made and not otherwise.

It is true that in a service like the Forest Service, as to the details of the use of the appropriations made for its support, a considerable discretion is left to the head of the department, but such discretion is a legal discretion and can not extend to purposes not fairly within the meaning of the language of the appropriation and not fairly included therein.

You have cited me to no statute, nor have I been able, in the short time at my command, to find any law which, by fair interpretation, is broad enough in its scope to authorize you to use the appropriation, *supra*, to pay the sal-

aries or compensation of forest rangers while in attendance at colleges or their traveling expenses while going from their stations to said colleges and return therefrom. These employees of the Government are legally entitled to the salaries agreed to be paid to them upon performing the service for which they were employed, and to be reimbursed for their traveling expenses when traveling on public business under proper orders.

Unless there is something in the law to the contrary, it is presumed that the officers and employees of the Government when appointed and employed have the necessary education to perform the duties for which they were appointed or employed.

The law in some instances—I have in mind the diplomatic service—makes some exception to this rule, and provides for certain instruction to certain officers and student interpreters at the government expense.

The language of the appropriation for this service negatives the idea that the Government will pay for the education of these rangers at the government expense when it limits the purchase of law books for the service to \$500 for the current year. It is true the college course they take is a short one, but if you are authorized to give them a short college course you are equally authorized to give them a long one. The question of the time of the college course is one of administration and discretion if you are authorized by law to give them a college course.

The question presented, however, is not a question of administration, but one of power. There is nothing, as before stated, in the appropriation, *supra*, or in the law that I have been able to find which, in my judgment, lodges with you the power to send these rangers to college at the government expense or authorizes you to use the appropriation in question to pay their salaries while away at college, which is only another way of expressing the same thought.

I therefore decide that you are not authorized, on the above statement of facts, to pay the salaries of these forest rangers for time consumed by them while in attendance at colleges or their travel expenses going from their stations to said colleges or in returning therefrom.

Respectfully,

R. J. TRACEWELL,  
*Comptroller.*

3418

THE SECRETARY OF THE INTERIOR,  
*Washington, April 26, 1910.*

HON. KNUTE NELSON,  
*Chairman Joint Investigating Committee,  
United States Senate.*

SIR: On page 3160 of the testimony, April 22, 1910, Mr. George W. Pepper asked Mr. Finney to furnish data with reference to complaints of would-be settlers or miners in national forests, and in accordance therewith Mr. Finney has collected copies of a number of communications addressed to this department making such complaints.

It is the practice of the department either to refer the complaints to the Department of Agriculture or to advise parties so complaining that the jurisdiction over these matters rests with the Secretary of Agriculture, so that they may communicate with him. If the committee desires to secure copies of other letters or complaints upon this subject, it is possible that the same may be secured from the Secretary of Agriculture.

Very respectfully,

R. A. BALLINGER, *Secretary.*

[Inclosures.]

1. Complaint of committee of miners, Liberty, Wash.
2. Complaint in re homesteads in California reserve, from Corona, Cal.
3. Complaint in re establishment of ranger station, from Murietta, Cal.
4. Complaint relative to taking homestead claim for administrative purposes, from San Bernardino, Cal.
5. Complaint of opposition of public-land surveys, from Ashland, Oreg.
6. Complaint of discrimination by sheepmen, Jefferson, Colo.
7. Complaint from would-be homesteader, Libby, Mont.

Mr. R. A. BALLINGER,

*Secretary of the Department of the Interior, Washington, D. C.*

HONORABLE SIR: We, the undersigned committee, in presenting the within statement desire to state that it was prepared for presentation to you on the occasion of your contemplated visit to Ellensburg, Kittitas County, Wash., last September. Much to the disappointment of the committee your itinerary was changed and the opportunity to present lost.

In the light of recent events, it is the wisdom of the committee that the presentation be made, even at this late date, that the facts therein contained should be in your possession, and we have hereby commissioned Senator W. L. Jones, our peerless champion, to that end.

Since this statement was written there have been restored to entry lists 6-151-154-155-174, embracing 333 acres within the Swank mining district, and includes the tracts of land mentioned in the statement as lying in sec. 36, T. 21 N., R. 17 E. With the exception of lists 6-151-154 the tracts restored are almost wholly covered by mineral entries, and possibly the two excepted would have been located upon had there been more prospecting done in that part of the district.

We question the authority of the National Forest Service to recommend the restoration to entry of any lands covered by a mineral entry, thereby setting at naught the United States mineral laws. We question the authority of the National Forest Service to prejudice the character of land held under a mineral entry prior to development.

And we hereby certify that the lands mentioned are not fully developed, that hundreds of dollars are expended yearly in their development, and that the recommendations of the National Forest Service for restoration was made with full and complete knowledge of these facts.

Very respectfully, yours,

(Sgd.)

M. W. MIKESSELL.  
E. M. WELLS.  
CARL ENENKEL.  
C. B. KILLSON.

To the Hon. SECRETARY OF THE DEPARTMENT OF THE INTERIOR,

*Washington, D. C.*

Hon. Mr. BALLINGER, Greetings:

Realizing the gravity of the questions involved by the unwarranted attack of Mr. Pinchot and others upon your construction of existing law, and your administration of the affairs of the Department of the Interior, and trusting that we may be of mutual assistance to each other, we, the undersigned committee of miners of Swank mining district, Kittitas County, State of Washington, would respectfully present to your notice the following abuses of existing law and misuse of power as administered by the national forest officials within the aforementioned mining district, which is within the Wenatchee National Forest, State of Washington. The act of June 4th, 1897, 34 Stat., 35, conferring upon the Secretary of Agriculture the power (now wielded by Gifford Pinchot, and approved by the Secretary of Agriculture) to make regulations governing the occupancy and use of national forests, and to preserve the timber thereon from destruction, and providing a penalty for the violation thereof, thereby placing it on the same footing as statutory law, we believe to be, if not unconstitutional, perniciously far-reaching in its effects, as administered, and likely to lead the Government into endless litigation.

The Congress doubtless did not anticipate the use of this power only to insure the objects of said reservation, it being so stated in the act; a power to be used as needs required to perfect the National Forest Service on lines consistent with the best interests of the Government and not antagonistic to existing law. This power, this grand privilege (rightly or wrongly conferred), should never be conferred upon any except those of the very highest ideals and the profoundest respect for statutory law. The abuse of this power lies in the encroaching upon statutory law—adding to and embellishing as suited their tastes, utterly regardless of the rights and privileges of those living under said law; forgetting or ignoring the all important fact that the Congress and other lawmaking bodies had already prescribed the duties and enumerated the privileges of those complying with the statutory requirements. This abuse is too evident in the mining

industry, as is evidenced by the numerous court cases, cases wherein the Government, as represented by the National Forest Service, is invariably contesting the miners' statutory right to the enjoyment of the privileges accruing from faithful compliance with the statutes, thereby placing the Government in the false position of a party of the first part not willing to abide by the agreement.

3420 Some of the more notable abuses in this connection are, viz:

Universal and unjustifiable opposition to miners seeking a patent to mineral ground

Denial of the right of the miner to the full enjoyment of the surface included within the boundaries of his claim, even though he has faithfully fulfilled the statutory requirements.

Contending that the grass and timber thereon belongs to and is at their disposal.

Contending that it is unlawful to have buildings or other improvements on a mining claim other than what directly aids in the development of said mining claim.

Contending that an owner of a mining claim can not lawfully give his consent for another to have his home upon his claim.

Contending that the National Forest Service has a right to collect ground rent from persons living upon another's mining claim.

Contending that a miner does not have the right to the use of wood for fuel from his own claim (without a permit) unless he is working and developing said claim and living thereon at the time.

Contending that a miner can not have wood for domestic fuel from his own claim (without a permit), even though he is working upon the claim, unless he is a resident thereon at the time.

They also deny "in toto" the miners' statutory rights, under the timber and stone act, to the free use of timber from mineral lands for domestic purposes; contending that a mining claim is not valid unless (to use their oft repeated phrase) "the claim is a producer of mineral in sufficient quantities to justify a prudent man in working it;" contending that they have the right to issue grazing permits upon mining claims as well as the public domain, and enforcing their contention by turning loose upward of 200 head of cattle within the Swank mining district without a herder, to roam at will, to the great annoyance of the miners and the destruction of their ditches, roads, and trails and other improvements and the pollution of the waters of the creeks used for domestic purposes.

Contending that they not only have the right, but are obliged (upon proper application), to survey, stake off, and accept requests for filing homestead entries upon a valid mining claim.

Contending, also, their right to send an expert on the claim to determine which it was most valuable for, mineral or agriculture, and in one of their "Use Books" of recent date the instructions to said experts were to the effect "that it was not necessary for them to take samples from the workings of the miner, but that they could select their own place to sample." In other words, said expert would not have to take samples from the lode or vein if it was a quartz claim, nor would he be obliged to take a sample from the "pay streak" if it was "placer." No; not even from the creek channel. He could with perfect propriety (under his instructions) take his samples from the surface of the ground or from the waste dirt on the dump (as has been done in this camp by one of their experts). What a farce! And to think that a court of law would be expected to accept such testimony as one of their experts (?) could adduce, from an investigation conducted on these lines, as expert testimony.

Such regulations! Such rulings! could have but one effect, viz, to encourage, aid, and abet the unscrupulous in successfully contesting the legal holdings of the miner.

By assuming to give expert (?) testimony after only a superficial examination (an examination we believe to be without authority of law) they very covertly and adroitly throw the burden of proof upon the miner, even though he has discovered mineral and faithfully performed the statutory requirements, thereby making a travesty of justice and a mockery of the statutory rights of the miner.

A case in point, in this connection, is that of one H. Monahan, a would-be rancher, contesting the rights of J. J. Stuart and A. R. Jordin, owners of placer claims. The claims contested lie on Lyons Creek, a mineral-bearing creek, and, although mineral has been found, the claims are still in course of development. This contested ground was experted by one Reggins, national forest expert, and,

under protest of J. J. Stuart and others, took his test samples from the *waste dirt dump*.

Another case in point is that of Edmond Grady, prospective rancher, contesting the right of W. A. Wells to placer ground, that for which a patent is now pending. The National Forest Service has in this case gone to the extent (in their endeavor to aid the contestant against the legitimate owners) of recommending to the Department of the Interior that this tract be withdrawn from the national forest and thrown open to entry. A very considerable portion of the land applied for by Mr. Grady is known to be in sec. 36, T. 21 N., R. 17 E., W. M., state school lands, and we believe not subject to entry, nor any other form of disposal by the National Forest Service. We are informed that the national forest officials in listing this tract in the department for withdrawal so worded their recommendations as to deceive their superior officers regarding the true location, stating, if we are rightly informed, that "possibly after survey that a small part of this tract will be found to be in sec. 36, T. 21 N., R. 17 E., W. M.," whereas there is approximately 25 acres in sec. 36, *and they know it*.

Another tract in sec. 36, T. 21 N., R. 17 E., W. M., has been listed in your department with recommendations that it be opened for entry, viz: A tract of 58 acres upon which Chas. H. Powles applied for a homestead early in 1908, since which time his father, John E. Powles, has discovered gold thereon, and has located and worked the same for its mineral. We are informed that in listing this tract that they advise (deceptively) that, after survey this tract will be approximately in sec. 31, T. 21 N., R. 18 E., W. M., a statement they know to be erroneous. We append one of their own maps. The line marked with two crosses in red ink is the line between 31 and 36, showing that the tract is almost wholly in 36. In their endeavor to discourage the mining industry they would deceive the department regarding the location of state school lands.

This encouraging homestead entries, aiding and abetting in the survey; the grossest of partiality in their alleged experting; recommending listing for entry occupied and improved land, also valid mining claims; recommending listing for entry state school lands; encouraging homestead entries on state school lands; assisting unscrupulous persons as against the rightful owners; wording recommendations to head of department in a manner calculated to deceive; seeking, by a policy of withdrawals, to subvert the United States homestead laws by allowing entries to be made upon unsurveyed lands; and by devious other exhibitions of partiality have the personnel of the National Forest Service shown themselves to be unfit to represent the United States Government. Yet the subordinates in the field doing the work often say "Don't blame me. I am working under orders."

Two other instances showing their antagonism to the mining industry and their contempt for the mining laws, viz:

About 4 miles north of the town of Liberty, on Swank Creek, at a place known as "Mineral Springs," there is a small flow of sulphurous water, of questionable value, exuding from a quartz vein. We understand that considerable of a tract at this point has been listed for withdrawal. This tract is covered by mineral entries and the locators have not abandoned their claims.

Also the case National Forest Service vs. Cascade Mining Co., T. P. Carson, Mgr., wherein the National Forest Service sought to have mineral ground, from which thousands of dollars of gold has been taken, set aside for a ranger station. Said mineral ground is not within the reserve. They did not recommend the setting aside of this tract because they considered it centrally and commandingly situated, *as is required*, for their uses and purposes.

Nor could they consistently recommend this particular tract because they had no suitable tract within a national forest reserve that covers *practically one-half of the State of Washington*. No! The National Forest Service wanted this particular tract because it is mineral ground and is held and worked as such. They wanted it because it is "bar ground" lying between Swank and Williams creeks, two creeks famed for their placers, and commands the drainage of both creeks. They wanted it, knowing that claims lying above depended upon this claim for drainage, and that if it was set aside they could stop the up-creek miners from prosecuting to completion their drain tunnels from this mine. In National Forest Use Book, Third Revision, revised no doubt by Gifford Pinchot, and bearing date of approval June 3, 1908, by James Wilson, Sec. of Agriculture, in opening paragraph, will be found the following

sentence, "Legitimate improvements and business enterprises are encouraged." Is it encouraging business to prevent it? Is it encouraging to the miner to have his claim taken away from him? Is not mining a business enterprise? Is not running a drain tunnel to a placer claim legitimate improvement?

The second paragraph reads thusly: "National forests are open to all persons for all lawful purposes." Is not mining for gold considered a lawful purpose? If it was not the determined policy of the National Forest Service to discourage, hinder, delay, disrupt, and by pursuing persistently a policy of discrimination, and partiality inimical to the mining industry, and calculated to discourage the miner to the verge of abandoning his claim and leaving the district, why did the first ranger to assume full charge here openly boast, "We are going to drive you miners all out of here." Why did he repeatedly say, "You have no mining district, and we are going to prove it?" Why did this national forest employee assert repeatedly, "You have no gold here," when the production of gold has never ceased a single year since discovery, 1868? Why did he maintain that "there was not a valid mining claim in the district?" Why did he make the remark that "we have a buyer that will take every stick of this timber?" Why did he endeavor (and unjustly, too) to fasten the crime of trespass upon many of the most prominent miners? Because, if 3422 proven guilty of the crime, or any other on their list, all rights and privileges could be denied them thereafter within the boundaries of the national forests. That would mean that they could not mine any more, or even live within the boundaries of a national forest.

We maintain that this was a preconceived plan or policy, calculated to discourage and possibly kill the mining industry. If it was not, and if this attaché was not working under instructions, why was he not discharged instead of being transferred to another part of the reserve, when at a later period charges were preferred against him and supported by sufficient evidence to have caused his instant dismissal?

Who would profit by the disruption of the mining industry and the abandonment of the mining districts? Certainly not the United States Government, for the precious metals that abound within the confines of mining districts is of more value to the Government than the timber that grows therein. There is no use that timber can be put to that is of more profit to the Government than its use in developing the mineral industry.

Inasmuch as it is unlawful under the present statutes to remove timber from a mining district, why should not that be sufficient incentive for the timber "barons" to endeavor to crush the mining industry? Or does "Shylock" think the United States is producing too much gold? Possibly the two factions are in league against the miners.

Be that as it may. Certainly never since the inauguration of the National Forest Service in this district has an attaché of the service ever voluntarily done one single act to encourage mining. We do not hesitate to say that possibly no State in the Union offers greater possibilities in a mineral way and under proper encouragement than the State of Washington, and that the big timber companies look with covetous eyes upon our vast timber resources is no secret. That the mineral lands may be presented to the prospector; that the timber thereon may be preserved for the development of the mineral; that the miner may not be hampered, delayed, harassed, persecuted in his self-appointed task of developing the mineral resources of this glorious State, we would respectfully suggest that you use your influence to the end that all mineral lands be withdrawn from the national forest, and the "timber and stone act" repealed.

In closing we most respectfully tender our services to the end that the statutory law may be upheld, and that equal right to protection under the same shall not be denied the individual. And we most heartily commend your determination to destroy "policy" and restore "law" in the department over which you preside.

We have the honor to be,  
Respectfully, yours,

(Sgd.)

M. W. MIKESSELL.  
E. M. WELLS.  
CARL ERENKEL.  
C. B. KILLSON.

[Copy.]

W. S. RITCHIE, CORONA, CAL.

CORONA, CAL., January 18, 1910.

Hon. WM. H. TAFT,

*Pres. of U. S. A., Washington, D. C.*

HONORABLE SIR: I beg the privilege of addressing you regarding a homestead taken up by my father over twenty years ago, which the Cleveland Forest Reserve people are trying to deprive him of, or the major part of it.

This land was not surveyed until recent years and was thrown into the forest reserve without ever being thrown open for settlement. This has left those who took up homestead claims years ago within the present limits of the "reserve" at the mercy of the officials in charge of the same.

The land in question is described as follows: All that parcel of land not included in the "Yorba Grant" in the NE.  $\frac{1}{4}$  of sec. 24, T. 4 S., R. 7 W., San Bernardino base meridian, Riverside Co., Calif., consisting of 140 acres, more or less, but not equal to 160 acres.

My father, who is now 73 years old and an old soldier, having served as despatch bearer under both Grant and Sherman, took up a home on this piece of land in the year 1889. In the year 1891 he took out a possessory right, according to the laws of the State of Cal. The record of this possessory claim is made in the name of N. S. Joseph, Book B, page 161, records of San Bernardino Co., now Riverside Co.

This land is located not far from and in sight of Arlington, where you visited the Sherman Indian School last autumn. It is a desirable place and dear 3423 to my old father's heart, more for the association than the value, but the value is considerable. He has done improvement work all over the place. The roads alone are worth several thousand dollars.

From what was scarcely more than a mere seepage he has developed by tunneling till he has quite a little water for irrigation and has piped it all over the place.

When he first made application to the department they offered him but 15 acres, but afterward increased it to 25 acres. This he refused on the ground that his possessory claim calls for all the land in the quarter sec. not included in the Yorba Grant and also on the ground that their offer cuts him out of the water he himself has developed, as well as his bee location, pasture, and many hundreds of feet of valuable mushroom-culture tunnels, also nearly, if not quite, a mile of good graded mountain road which is cut in the sides of the hills and winds around over the place. All of this and more the forest reserve people attempt to take away from him in the proposition they make him.

It is their custom to compel the *bee keepers to pay an unreasonable tax on all bees located within the forest reserve* here, also to charge for every thing out of which petty revenues may accrue to themselves.

Thus it is their intention to make my father pay rental for what is by right his own. They attempt to *issue a permit* to my father to use the water he himself has developed.

I inclose a copy of the permit. In paragraph 9 notice is given that the permit may *terminate at the discretion* of the forester.

Without the water the place is really worthless. Thus my father would be entirely at their mercy or "discretion."

The forest-reserve system as manipulated here is such as to make every settler within the Cleveland Forest Reserve a tenant of the reserve to be governed and meddled with continually by the forest rangers under the direction of the local departmental officer. These rangers are generally men of brawn but very common intellect. Their whole policy is selfish, niggardly, and meddlesome. They are not looking for the good of the people, but are trying to raise petty revenues off of those who chance to be so situated that they can coerce or frighten into obedience.

There are many instances that have come under my observation. I will notice but two that are of recent date in the immediate vicinity. There is a place situated similarly to my father's on which two young men were making a home. The place is only three miles from the little city of Corona, and has a beautiful view. Eucalyptus trees have been planted and grown large, an almond and olive orchard in full bearing of seven or eight acres, and a two-room cabin is on the place. It is an ideal place for some little home, yet the forest-reserve people have put up a notice on the place that that certain piece is withdrawn from



entry, being held as a forest-reserve site. The house and place is now deserted and grown up to weeds. The olive and almond orchard is uncultivated, unirrigated, and unpruned.

The olives were very fine pickling olives, but in a few years they will not be worth much. The forester ranger here sells the olives, and thus for the money they get for the olives on these neglected trees they rob some settler of a home.

We know this is so, for he sold the olives to my husband, who is an olive wholesaler. We suppose he sold the almonds also. Another neighbor of ours, who has been interested for years in eucalyptus culture, desired to lease a tract of land of the reserve for growing eucalyptus. They were so greedy as to want really all there was in it, so he could not possibly afford to do it. So much for forest(?) reserve and culture.

There is no timber on these mountains. They are covered with brush, and there has been so many fires that much of that has been destroyed. It seems like it would be a blessing to the whole country around here, as well as to many individuals, if the whole reserve was opened to tree-culture claims. What they did to the little olive grove place they are intending, evidently, to do for my father's place, viz, to curtail his place and privileges till he will be forced to leave, and then appropriate it as a "site."

I regret to burden you with such a letter, and yet the principle involved is a great one. Many who write learned articles favoring the system know only the theory of it and nothing of its actual operation.

In view of the foregoing I most earnestly entreat you that you will do that which will enable my father, Noah S. Joseph, to get a clear and final title to all of the NE.  $\frac{1}{4}$  of sec. 24, T. 4 S., R. 7 W., S. B. M., Riverside Co., Cal., not included in the "Yorba grant."

Trusting that I am not presuming too much in addressing you thus, and if I am that you will pardon me and refer this to the proper official,

I am, very respectfully, yours,

Mrs. W. S. RITCHIE,  
Corona, Riverside Co., Cal.

3424

[Copy.]

## UNITED STATES DEPARTMENT OF AGRICULTURE.

## FOREST SERVICE.

## SPECIAL USE PERMIT.

Pipe line.

2-22-1909.

Cleveland National Forest.

Permission is hereby granted to N. S. Joseph, of Corona, California, to use the following-described lands: NE/4 of sec. 24, T. 4 S., R. 7 W., S. B. M., for the purpose of maintaining a 2" pipe line 2,000 feet long and a 1" pipe line 1,400 feet long, both used to convey water for domestic and irrigation purposes, subject to the following conditions:

1. The permittee shall pay to the fiscal agent, Forest Service, at Washington, D. C., in consideration for this use, the sum of (no charge for irrigation and home building enterprises), annually in advance from ——— 190 — ; and this permit shall have no force or effect until the first annual payment is made.

2. The permittee shall comply with all the laws and regulations governing national forests.

3. This permit is subject to all valid claims.

4. The permittee and his employees shall do all in their power, both independently and upon request of forest officers, to prevent and suppress forest fires.

5. The permittee shall dispose of brush and other refuse as required by forest officers.

6. The permittee shall pay the United States for any damage resulting from this use.

7. Construction work under this permit shall begin within ——— (completed) months, be completed within ——— years, and this use shall be actually exercised at least 200 days each year, unless the time is extended or shortened.

8. This permit is not transferable (sec. 3737, U. S. Rev. Stat.) and shall terminate upon breach of any of the conditions herein, or at the discretion of the Forester.

9. No Member of or Delegate to Congress shall be admitted to any share or part of this agreement or to any benefit to arise therefrom. (See sections 3739-3742, inclusive, U. S. Rev. Stat.)

10. Timber shall be obtained by free-use permit.

11. This permit conveys no right or title to the appropriation of water, which is subject to state law. .

HAROLD A. E. MARSHALL,  
*Forest Supervisor.*

FEBRUARY 23, 1909.

MURRIETTA, CAL., *January 27, 1910.*

TO THE SECRETARY OF THE INTERIOR,  
*Washington, D. C.*

DEAR SIR: Will you please write me whether or not there is a ranger station on the Cleveland National Forest called the "Tenaja Ranger Station." I was robbed of my home on the Cleveland National Forest two years ago. The head ranger, F. C. Lillie, recommended my home for withdrawal just for pure personal spite. I was given thirty days in which to get my improvements off, and they would not even give me a permit on the place afterwards, yet the Forest Service has made no use of the place. I have sent in an application to have the land listed, but have heard nothing from my application.

Thanking you in advance for the favor, and hoping to hear soon, I am,  
Yours, truly,

A. V. WILSON.

SAN BERNARDINO, CAL., *January 24, 1910.*

TO THE HONORABLE THE SECRETARY OF THE INTERIOR, MR. BALLINGER,  
*Washington, D. C.*

DEAR SIR: I having lost a homestead entry on the forest reserve under rather suspicious circumstances, hereby beg your time to state the facts.

August 6, 1908, made application to enter land under act of June 11, 1906.

The ranger in charge of the district said it was open and advised the early occupation of the land. The supervisor upon my notice of intention to homestead, wrote that it would be "inspected" to determine its character, whether or not fit for farming.

3425 I applied to the Forester.

My application was held without answer by the Department of Forestry at Washington for about three months. In the meantime a Mr. Galbreath, of Missouri, who owns an orange ranch near the line of the (Angelus) reserve, secured a permit to lay a pipe line and dig a tunnel on the land in question. I was then notified that the land had previously been withheld for "administrative purposes." I claimed that I did not question the right of the service to reserve the land they need, but doubted the right of the forest people to dispose of the subterranean waters of lands of the United States.

The land office at Los Angeles, Cal., disclaimed jurisdiction and the forest people closed their doors to me, as it were.

I then appealed to his excellency the President, Mr. Taft. Mr. Taft referred my letter to Secretary Wilson, who wrote me that the permit issued to Mr. Galbreath conveyed no right to the water. I went to the superintendent of the forest, Mr. Charlton, who wished to lease me the land. I wrote to Mr. Wilson that I believed the laws of the State of California could not convey the subterranean water of lands on the reserve, there being no flowing water or springs as the basis of the Galbreath permit. A well was dug on the land in the fall of 1908—concrete well with pumping plant. After many protests and the rejection of my claim under the circumstances above enumerated, I am willing to go on record as one American citizen not in the pale of the laws of the nation.

I know nothing of the records available by Mr. Charlton as to the date of the withdrawal of the land from entry under act of June 11, 1906 (since made applicable to the southern California reserves), but I do know the department rejected my claim and then allowed a claim that robbed the land of its essen-

tial worth in this climate—the water—thus rendering it unfit for either “administrative purposes” or for the making of a home for your most humble servant.

OBTES KENNEDY.

ASHLAND, OREG., *January 30, 1910.*

HON. R. A. BALLINGER,

*Secretary Interior, Washington, D. C.*

DEAR SIR: I wish to call your attention to the workings of the Forest Service in this locality. About four years ago a number of us squatted on land in towns 38 and 39 south, range 4, 5, and 6 east W. M. The land being unsurveyed we simply have squatters' rights. Two years ago this land was added to the Cascade Forest Reserve and came under the supervision of the Forest Service. The Forest Service located at Medford, Oreg., are doing all in their power against us, in the way of reporting when we are absent, getting what evidence they can from us and using it against us. Holding up our application for a survey and in every case where a homesteader is living on surveyed land and tries to prove up contesting him. They are contesting poor men who have families who are actually making their home on the homestead exclusive of a home elsewhere and who took their homes long before the land was put in reserve. I can furnish you the names of hundreds of stockmen, homesteaders, and business men to substantiate these facts and who will testify to the hardships imposed upon them by the working of the Forest Service in this part of the State.

I am a squatter of no means except what I go out and earn. Have lived on my homestead for the last four years, except when obliged to go out and earn money. I have improvements amounting to not less than \$1,000 to \$1,200. I have no other home.

Over a year ago we applied for a survey. We understand it was handed over to the Forest Service and we have heard nothing more of it. We have to prove up some time and obtain title to our land, but it does not look very encouraging.

We have been a friend to the service. Keeping them and their horses over night many times without charge, opening up the roads, and helping in every way possible to develop the country, and this is the way they thank us.

We pray you to give this matter your personal attention, for we certainly feel that we are not getting justice at the hands of the Forest Service.

Any further facts or information I can furnish you I will be very glad upon your request.

Very respectfully, yours,

H. S. PALMERLEE.

3426

Ex. “D.”

JEFFERSON, COLO., *November 19, 1909.*

KRUEGER & MACY.

DEAR SIRS: Yours at hand and contents noted. This would be a very long letter if I was to tell you all their dirtiness toward me, as they have been after me for the last five years for no cause whatever, unless it is because I am trying to support a family out of a little band of sheep, which they seem to think a man has no right to run, not even on his own land. Now, a year ago last fall, they got some 15 cattlemen to swear to a case of trespass against me, calling a meeting without letting me know anything about it, but I happened to hear of it and went and attended, but I happened to have a friend among the foresters, Eddle Cavanaugh, assistant chief of grazing. I had 520 acres inside the forest reserve about 1½ miles inside the reserve line. They tried their best to make me out a trespasser for driving my sheep over to this land and back home again, so finally in order to keep me from going back and forth to this land they offered to exchange me land in the reserve next to my ranch for use in exchange for my patented land, so I agreed to it, providing they would furnish me with wire and staples to fence it so the cattle would not eat up all the grass I was to get; so the cattlemen and the foresters took a vote on it and voted it unanimously in my favor, but no wire have I seen yet. I understand they are not going to let me graze it, but they have already used my land. Then last spring my boy, 15 years old, let 16 ewes and lambs

get on the public wagon road to clean up some hay a neighbor was hauling by and dropped off his wagon. He went to the house to feed a few sheep he had in the corral and in the meantime the sheep got about 50 yards off from the road, so they entered a case of trespass against me.

Then, at this same ranch, they have on the back of it what is called a government pasture with about 10,000 acres fenced in, the wire and staples furnished by the Government. They use about 4 miles of our ranch on the east side to inclose it, and besides I have 320 acres of patented land inside of this pasture, and no other man has a foot of patented land in it. But they refused me a right of way to drive my sheep back and forth to this patented land, and I offered to exchange it for the use of land next my ranch, but they would not even do that, so they are causing me to lose the use of this land altogether. This pasture hasn't a foot of merchantable timber in it or any other kind but scrub timber. There are just four cattlemen that have a stand-in who have the use of this pasture.

Now, then, I happened to be unlucky enough to have five and one-eighth acres of forest reserve land which comes in my meadow. They made me pay a lease on it of \$17.50 per year for the use of it, more than the government price of it every year. These good cattlemen have from 100 to 1,600 acres fenced in their fields which does not cost them a cent, still they treat everybody alike.

Now, then, last summer I took out two permits to run sheep on the range above timber line, one in my wife's name and one in mine. They made me furnish \$1,000 bond for each permit. My permit called for \$165; my wife's for \$130. I furnished the bond for my permit, but my wife said she would not furnish a bond to buy grass, so they accepted her money, but they would not let us put the sheep on without the bond. Now, it seems queer to me that anyone who was born and raised in the State—and we are one of the heaviest taxpayers in Park County—would have to furnish \$2,000 bonds to graze sheep above timber line sixty days out of the year.

We both own nearly 2,000 acres of land, deeded to us both. I had one band on the mountain of 900 head, and they order me to move them every six days. That band has been on the mountains over ten years, and was never moved out of camp before this summer. They ordered me to move them every six days. I refused to do it, so they notified me that they would enter a case of trespass against me and take my permit away for next year, so I suppose now when I ask for another permit I will get it where the chicken got the ax, in the back of the neck.

If I could see you I could tell you a great deal more about the way they have treated others here in the country, and lots more about myself. They seem to have birds in the flock to pick on and I guess I am one of them, but if I was one of the pet birds I would be all right. I remain,

Yours, truly,

W. R. SANBORN.

LIBBY, MONT.

Mr. BALLINGER,

*Secretary of the Interior.*

Hon. Sir: On July 28 I made an application for the following 160 acres for a homestead, vice: E.  $\frac{1}{2}$  of W.  $\frac{1}{2}$  of sec. 25, T. 31 N., R. 34 W., M. P. M. I can easily substantiate that this land is fine agricultural land. There are 3427 20 to 25 acres that will produce celery 2 $\frac{1}{2}$  to 3 feet tall. The balance will produce potatoes up to 700 bushels per acre, 3 to 4 tons of hay, 30 to 50 bushels of wheat, 60 to 100 bushels of oats, etc. On October 22 I received the letter from the forest department at Missoula, of which I will inclose a copy. The estimate of the timber was 800,000 feet. Last summer the forest department sold 5,000 to 6,000 railroad ties off of it; this lessened the timber one-third and took all the good young timber. A great portion of the tamarack is dead and a great deal more dying annually on account of its maturity. Nearly all the good cedar was cut and stolen off of it several years ago. I do not want it simply because there is some timber on it, but I desire a home to live at and stay home with my family, who are as yet in Clarion, Pa., and who are waiting for me to find a homestead. This claim is also in the strip of land for which the people of this new established county of Lincoln, Mont., are now applying to be opened for filing. The forest department offered the balance of the timber to a party here for \$2.25 per 1,000 feet, but they refused it.

Now, Mr. Ballinger, I have stated the absolute truth to you and appeal to you if there is such a way as a poor man getting a homestead, and you can ad-

wise me what steps to take, I shall be very happy. A large number of people here told me to try now. That I might have some fair show, since Pinchot has no more the only power to dictate to his army of subordinate hunters and fishermen.

Hoping to receive a reply of you, I remain,

Yours, very respectfully,

DR. J. SIEBERKROB, *Libby, Mont.*

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U. S. DEPARTMENT OF AGRICULTURE,  
FOREST SERVICE, DIST. 1,  
October 22, 1909.

Dr. J. SIEBERKROB,  
*Bonniers Ferry, Ida.*

DEAR SIR: Your letters of October 4 and 19 are received. The reply was delayed, pending a report from the officer in charge of the Kootenai National Forest on your application. The land covered by your application lies in sec. 25, T. 31 N., R. 34 W., M. P. M. A report received on the area covered by your application clearly shows that it is not chiefly valuable for agriculture, as contemplated by the forest homestead act of June 11, 1906. I am very sorry, therefore, your application must be rejected. I am enclosing a form of application, and if you find a tract of land within a national forest that may be chiefly valuable for agriculture, as contemplated by the forest homestead act, I shall be glad to receive your amended application.

Very truly, yours,

\_\_\_\_\_  
*Acting District Forester.*

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The other side shows the 4 forties I applied for, E.  $\frac{1}{2}$  of W.  $\frac{1}{2}$  of sec. 25. All the land joining it is taken up, as shown on other side, except on the north end, where it joins against the forest reserve, which consists there of an almost barren rocky mountain side. The little corner, cut off at the N. E. corner of the N. 40, marked "a-b-c," is sidehill, but by seeding to grass will make good pasture. There are about 140 to 145 acres of this claim that will, with intelligent cultivation, produce agricultural crops annually aggregating from \$100 to \$1,000 per acre. These 160 acres will make 4 nice 40 acre homes for my 4 children. I do very much desire this for a permanent home for my family, not for speculation or timber or any thing, but for a lifelong home. I am going into the poultry business and will need no less than from 150,000 to 200,000 feet for buildings.

3072

APRIL 8, 1910.

HON. R. A. BALLINGER,

*Secretary of the Interior, Washington, D. C.*

DEAR SIR: At the request of Mr. W. W. Ferrell, of Ferrell, Idaho, we are enclosing you copy of an agreement in writing between the forest supervisor and Mr. Ferrell in relation to a mining claim within a forest reserve. The agreement may be of service in the pending investigation of the administration of the Forest Service.

Mr. Ferrell and Mr. Sheehy located a mining claim and had men at work on the ground improving the same for mining purposes. While the men were so at work they were stopped by the superintendent and his assistant. We commenced a suit and had an injunction issued against the interference. The agreement was then made as a compromise. The agreement accomplished what we sought—non-interference with the work, without other cost or delay. But from a legal point, they had no right to interfere with the work or location of the claim. Their interference in this case was a sample of interference or meddling with other mining locations. We trust the agreement may be of some service to you.

Yours, respectfully,

KEENS & RYAN.

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This agreement made and entered into by and between W. W. Ferrell, party of the first part, and W. G. Weigle, forest supervisor, party of the second part, witnesseth:

Whereas on April 10, 1909, the party of the first part and one James Sheehy, discovered and located the Forty-nine No. 3 lode mining claim and the Forty-

nine No. 4 lode mining claim on the north side of the St. Joe River in section 15, township 45 N., range 5 E., B. M.; and

3073 Whereas the Forty-nine No. 4 lode mining claim aforesaid embraces a tract of land comprising approximately one acre in the northeast quarter of section 15 withdrawn from all forms of entry as Pinchot administrative site for the Government; and

Whereas the party of the first part and the said James Sheehy and one J. E. Peterson have commenced an action in the district court of the first judicial district to quiet the title of said Forty-nine No. 4 lode mining claim and the Pack Cask lode mining claim as against the defendants therein, W. G. Weigle and R. M. Debbitt, and it is the desire of the parties hereto to settle and compromise the said case and have recognized and determined the rights of the party of the first part and the said James Sheehy in and to said Forty-nine No. 3 and Forty-nine No. 4 lode mining claims as well as the title of the Government to the said Pinchot administrative site as being subject to no mineral locations or other entries of any kind:

Therefore it is mutually agreed that the party of the first part and his co-owners may proceed with the development of said Forty-nine No. 3 and Forty-nine No. 4 lode mining claims for mining purposes without let or hindrance upon the part of the party of the second part or his successor in office or any deputies under him or them, provided, however, that the party of the first part shall amend his mining claim, Forty-nine No. 4, in filing the location notice thereof, so as to specifically exclude from said claim the area covered by the Pinchot administrative site; and provided further, that in such development work the party of the first part and his co-owners or his successors in interest will not interfere in any manner with the use and occupation of said Pinchot administrative site and the ingress and egress to and from the same.

It is further mutually agreed that the party of the second part will not in any manner lease or sub-let or attempt to lease or sub-let any portion of the surface of the said Forty-nine No. 3 mining claim or the said Forty-nine No. 4 lode mining claim as amended, or in any manner aid or abet any interference with the possession of the party of the first part or his co-owners in said two mining claims, or in any manner encourage any trespass upon the possession of the party of the first part or his co-owners in said two mining claims.

It is further mutually agreed that nothing contained herein shall be construed as determining the validity of said Forty-nine No. 3 and Forty-nine No. 4 lode mining claims or as restricting or affecting the action of the party of the second part in examining and reporting upon said claims as may be necessary in the future.

In consideration of the premises it is hereby mutually agreed that the pending action in the district court shall be dismissed at the cost of the plaintiffs.

Witness our hands and seals this 31st day of May, 1909.

W. W. FERRELL. [SEAL.]  
W. G. WEIGLE. [SEAL.]

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[Extract from page 77 of the Use Book of Forestry Service.]

3157 The question whether the Government has or has not the right to sell timber from a mining or other valid land claim upon which final proof has not yet been made has never been settled in the courts. When a claimant is actually occupying and developing his claim, the timber should not be disposed of by the Forest Service. If, however, any claimant is not actively using his claim, forest officers should not hesitate to allow, either under sale or "free use," the cutting and removal of dead, down, diseased, or insect-infested timber, especially when they consider such timber a danger to the forest. If the danger is great, it should be reported to the forester, even though the claim is actively used.

"No attempt should be made to sell the sound standing green timber upon unperfected valid mining or other claims, whether they are being actively used or not."

The Forest Service has the undoubted right to sell any timber upon a land claim to the rightful claimant for any use whatever.

[Extract from act June 4, 1897.]

But it is not the purpose or intent of these provisions, or of the act providing for such reservations, to authorize the inclusion therein of lands more valuable for the mineral therein or for agricultural purposes than for forest purposes.

*Provided further*, That hereafter no forest reserve shall be created, nor shall any additions be made to one heretofore created, within the limits of the States of Washington, Oregon, Idaho, Montana, Colorado, or Wyoming, except by act of Congress.

[Provision of act of June 4, 1897 (30 Stat., p. 11).]

**1347 RELATING TO RESTORATION OF MINERAL OR AGRICULTURAL LANDS TO PUBLIC DOMAIN.**

Upon the recommendation of the Secretary of the Interior, with the approval of the President, after sixty days' notice thereof, published in two papers of general circulation in the State or Territory wherein any forest reservation is situated, and near the said reservation, any public lands embraced within the limits of any forest reservation which, after due examination by personal inspection of a competent person appointed for that purpose by the Secretary of the Interior, shall be found better adapted for mining or for agricultural purposes than for forest usage may be restored to the public domain. And any mineral lands in any forest reservation which have been or which may be shown to be such, and subject to entry under the existing mining laws of the United States and the rules and regulations applying thereto, shall continue to be subject to such location and entry, notwithstanding any provisions herein contained.

[Extract from Report of Forester for 1908 (p. 38) regarding publicity work of Forestry Bureau.]

**1458** To ascertain whether the work of the section of information as actually carried on was in any way affected by the provision of the law, the Secretary of Agriculture asked the Attorney-General for an opinion. The opinion rendered was in part as follows:

"It is proposed to distribute such statements in typewritten form not only to the chiefs of the Forest Service divisions stationed at Washington and by mail under frank to inspectors and supervisors in the field, but also to state foresters and agricultural and forestry institutions, to individuals interested in such matters, and to newspapers and magazines, including trade journals especially interested in forestry, and to writers for the newspapers and periodical press who request or are interested in the information.

"Your inquiry is whether the Forester may lawfully distribute information to the individuals and bodies enumerated in the manner set forth. You also ask whether if a single newspaper or magazine writer or publisher requests an article or information for use by him in the preparation of an article, may such information be lawfully sent to the inquirer in the form of a letter?"

**1459** After quoting from the Revised Statutes, section 520, and from the appropriation act of 1908, the opinion continues:

"You express the view that in distributing such information as is compiled and sent out by the Forest Service, especially to persons engaged in the practice or study of forestry, and generally to the public at large through the newspapers and magazines, you are fulfilling the primary and fundamental duty imposed upon the Department of Agriculture by the section of the Revised Statutes quoted above. Information thus given out will be accompanied by a notice that it is sent in accordance with the proviso to the appropriation act of 1908 just cited. There will therefore be no discrimination; and you say, further, that no money will be paid on this account to any newspaper or magazine, or any newspaper or magazine writer or publisher, or to any person not regularly employed in the Forest Service. Obviously, such information as has been collated and distributed heretofore and will continue to be sent out is of value to the public, and certainly your determination that it is so, as head of the Department of Agriculture, is conclusive. Under this state of facts I can see no reason to doubt that your conception of your official duty in this respect is legally correct,

and that the Forester may lawfully distribute information as proposed; and I am also of the opinion that information requested by a newspaper or magazine writer or publisher may lawfully be sent in the form of a letter.

"Returning herewith the copies of the forest bulletins for the month of March, 1908, I have the honor to remain,

"Very respectfully,

CHARLES J. BONAPARTE,  
"Attorney-General."

The inclosed information is given out by the Forest Service in accordance with the provision of law to the following effect:

"That no part of this appropriation shall be paid or used for the purpose of paying for, in whole or in part, the preparation or publication of any newspaper or magazine article, but this shall not prevent the giving out to all persons without discrimination, *including newspaper and magazine writers and publishers, of any facts or official information of value to the public.*"

The Forest Service will be glad to see a *marked copy* of any paper in which this information may appear. By pasting the attached frank on the wrapper the paper can be mailed without stamp.

Form 386.  
PRINTED MATTER.  
FOREST SERVICE.

U. S. DEPARTMENT OF AGRICULTURE.  
OFFICIAL BUSINESS.

Penalty for private use, \$300.

THE FORESTER,

Forest Service,

(Marked Copy.) Washington, D. C.

4148

PLAN EXAMINATION OF NATIONAL FOREST BOUNDARIES.

DENVER, May, 1909.

Through the establishment of six district headquarters in the West, the work of the Forest Service has advanced so far that it is now possible to undertake a thoroughgoing examination of national forest boundaries and an inquiry into the character of any interior areas which may appear to be not suitable for national forest purposes. In a letter to the district forester in this city, Forester Pinchot says:

"Plans formulated here last winter and approved by the Secretary of Agriculture call for a systematic and complete going over of all national forest boundaries during the present field season. The work which you have been constantly doing in this direction is along the right lines, but the plan adopted calls for more concentrated effort in this work throughout the service during the coming summer. With the field force at your command and your close knowledge of local conditions and of the national forest officers, you can so organize this effort in your district as to insure a thorough going over of your part of the 60,000 miles of national forest boundaries by competent men, whose reports as to the character of the land within and without the forests and whose recommendations as to lands which should be excluded or included, checked by the information already possessed by the Forest Service can be relied on.

"To do this work in one summer will make severe demands on you, but it is not beyond the capacity of the service, as now organized. Please give it your best efforts until the work is completed, and bear in mind especially that the quality of the work must be unimpeachable.

"This work should all be completed by the close of the present field season, and each district forester should at that time be able to vouch for the correctness of the proposed boundaries of his forests. If, however, there are changes recommended by examiners which you feel are questionable, such cases may go over for checking until the next field season, in order that no mistakes may be made. Possible additions should be noted as carefully in the



six States where congressional action is necessary to create additions to forests as elsewhere.

"As you know, the policy of the service has always been to exclude from the boundaries of a national forest all agricultural land, except, as Congress clearly intended, areas so small that they could be handled more acceptably under the act of June 11, 1906. We want all the land put to its best use, whatever that use may be. A good deal of time and money has been spent by the service in this most important work. I believe, however, that there is still land which would serve the public interest best outside of national forests and which could therefore be excluded to the public advantage. I believe, too, that adjoining many of the forests are areas which, because of the value of the timber they support, their importance under a proper forest cover for watershed protection, or because the best public use of the existing forest can be brought about only through their inclusion, should be added to the national forests.

"In considering changes of boundary the character of the land and its future usefulness for forest or agricultural purposes, the protection that it may give to watersheds at the head of streams from which towns, cities, and irrigation projects draw their supply, areas which need reforestation, and areas which should be included from the standpoint of the public welfare generally, should all be carefully considered. Whenever a change of boundary is recommended the reason for it should be plainly shown. When the proper boundary of the forest does not conform to the exterior limits of the timbered areas the reason should be given plainly.

"In accordance with the usual practice, every effort should be made to learn the wishes of citizens as to what lands should be excluded or included. If areas are proposed for addition or elimination at the request of citizens, their petitions should form part of the reasons for the change in boundaries. Petitions which have contributed to the establishment of the present boundaries should, when practicable, be submitted as part of the record.

"For this work you will need to use your very best available help. The organization of the work is, of course, in your hands.

4149 "Existing and proposed boundaries and all land and cover classifications should always be shown on maps, supported by reports. So far as possible the Forest Service atlas folios should be used as the base maps. The publication of these folios is being pushed forward as rapidly as possible. By the 1st of August nearly all of them will be in your hands. Where it is possible to get them to you at a considerably earlier date by leaving out the classification and simply sending you the blank copies, this will be done.

"In addition to having every boundary line carefully gone over, I want you to consider whether you have any considerable areas of agricultural land in the interior of the forests or other land which would serve the public best by being excluded.

"This is a matter on which it will be necessary for you to put your very best effort. If there is any help that can be given by the Washington office, let me know. From the time this work first starts I want you to keep me fully informed of its progress by monthly reports."

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[Extract from circular of Department of Agriculture, April, 1910.]

4145

WASHINGTON, D. C. *April, 1910.*

The protests which have been received in considerable number by the United States Department of Agriculture against eliminating from national forests non timbered lands chiefly valuable for grazing are regarded by Secretary Wilson as indicating that many communities fail to realize the limitations within which the department must act in carrying out faithfully the intent of existing laws. Most of the protests set forth the injury which it is feared may result from unregulated grazing on the land to be eliminated. Since, however, the lands which it is proposed to eliminate are neither forested now nor regarded as suitable for the future growing of trees, the Government has no authority to hold them as parts of the national forests after their actual character has been determined.

The policy to be pursued with regard to such lands was recently agreed upon by the Secretary of Agriculture and the Secretary of the Interior, jointly, and laid before the President, who gave it his approval.

This policy is not an innovation, but is the same policy which has always been applied by the Forest Service in deciding where national forest boundaries should be drawn. The reason why lands formerly included in national forests are now being eliminated is to be found not in a change of policy, but in the fact that the actual conditions were ascertained last year, for the first time, through careful boundary examinations.

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**Complaints received by the joint committee relating principally to the administration of the national forests.**

4806 C. J. Dumbalton, Seattle, Wash., December 22, 1909, charges that the Forestry Service misled mining prospectors and homesteaders by inviting them to locate in the forest reserve and then refused title to them.

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William Collins and six others, Spray, Oreg., January 7, 1910, complain of destruction of stock business by reason of inclusion of certain lands within the forest reserve.

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BUCKLEY, WASH., *January 26, 1910.*

CHAIRMAN BALLINGER-PINCHOT INVESTIGATION COMMITTEE,  
*Washington, D. C.*

DEAR SIR: Two years ago I filed homestead, or made an effort to do so, on a piece of agricultural land in Mount Rainier Reserve. Mr. Pinchot's men came on and had the application turned down on account of being too much timber, reporting 75,000 feet per acre, when in fact there is not one-half of it there. I was trying for this under act of June 11, 1906. They could not say it was not government land on level. It was no mountain top. There is 15 of us served the same way in this valley. Now this investigation is started, let it be thorough, and if I can do anything to help it along will do so. An application to me will be gladly answered to the best of my ability.

Respectfully, yours,

R. H. BULLIS,  
*Buckley, Wash.*

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SAUK, WASH., *January 29, 1910.*

William Moran charges false testimony by forest ranger, resulting in loss of homestead claim. (Case now pending on appeal before Secretary of the Interior.)

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DENVER, COLO., *January 31–February 11, 1910.*

D. C. Beaman charges violation by Forestry Bureau of ordinary rules of justice and legal rights as between individuals. Cites rulings in certain cases which tend to obstruct settlement in the forest.

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4807 QUINIAULT, WASH., *February 2, 1910.*

To the honorable CHAIRMAN OF THE BALLINGER-PINCHOT INVESTIGATING COMMITTEE.

DEAR SIR: I have settled on 80 acres in sec. 30, T. 24 N., R. 8 W., W. M., in July, 1908, and in the first of Feb., 1909, I made application for the land marked on the plat enclosed, as it is the only agricultural land that joins me, and they

held my application in Portland, Oregon, until the Mt. Olympus national monument was set aside, and then they sent me the letter enclosed. So I ask your honorable body to look matters up, as I think I have prior right.

Very truly, yours,

L. M. STREATER.

DEER CREEK, WASH., *February 4, 1910.*

Edward R. Whitney complains of action of forest rangers in seeking to deprive him of his homestead, of which he has held possession for nine years, and improved to the amount of \$2,000. (Case now pending before Commissioner of General Land Office.)

QUINIAULT, WASH., *February 5, 1910.*

To the honorable CHAIRMAN OF THE BALLINGER-PINCHOT CONGRESSIONAL INVESTIGATION COMMITTEE:

I, the undersigned, a bona fide settler and holder of a valid claim in the Olympic Forest Reserve of the State of Washington, feeling aggrieved by the action of the officials of the Forest Service, do hereby state my grievances, as follows:

My application is as follows: Beginning at the northwest corner of section 33, T. 24 N., R. 8 W., W. M., extending thence south 40 chains, thence east 20 chains, thence north 10 chains, thence east 40 chains, thence north to the south side of the Quinault River, thence in a general northwesterly direction along the south side of the said river to the section line between sections 28 and 33, thence west along said section line to the point of beginning.

I was allowed sixty acres described as follows: Beginning at the northwest corner of section 33, extending south 20 chains; thence east 60 chains; thence north to the Quinault River; thence in a general northwesterly direction along the south side of said river to the section line between sections 28 and 33; thence west along said section line to the point of beginning; the balance of my application being rejected on account of its being held for administrative purposes. This land which was held for administrative purposes is good agricultural land, fully as good as, if not better, than the 60 acres allowed me.

Concerning the manner in which I have been discouraged by the forest officials in making my entries, I present this true statement of some of the letters received from them since making my first application: I received from the chief of operation, Portland, Oregon, a notice dated April 14, 1909, stating the aforesaid sixty acres was open to filing. I also received a letter dated May 10, 1909, from Olympia, Wash., signed by the forest supervisor, informing me that the case was closed upon the records of the office; I enclose a copy of this communication.

This very evident intention on the part of some of the forest officials to prevent my filing, when I had the legal right to do so, gives me serious doubts as to the action they may have taken in the matter of the remainder of my application, and I feel that in justice to myself the matter should be investigated.

JOHN LINDAHL.

ALBUQUERQUE, N. MEX., *February 5, 1910.*

Dr. T. M. Michaels: Misconduct of officers in the Forest Service in violation of specific statutes, by including in the forest reserve valuable mineral lands, and instances where the Forest Service employees have discouraged mining development by adverse report and opinions to claimants that the Forest Service will not permit claims to go to patent when proper amount of work had been performed.

4808

QUINIAULT, WASH., *February 6, 1910.*

Isador Hauber complains of inclusion of agricultural lands in the Quinault Valley, Wash., in the Olympic Forest Reserve.

HOQUIAM, WASH., February 7, 1910.

TO THE INVESTIGATING COMMITTEE OF THE BALLINGER-PINCHOT CONTROVERSY.

GENTLEMEN: I wish to place a complaint before your honorable body in regard to a claim I hold application on within the Olympic Forest Reserve. On my application of 160 acres I have been allowed 100 acres and will file on the same February 26 or before. There is land joining my claim on the west and south which I should be allowed to have, being strictly good farming land and the same as that which I have been allowed. The land embracing my claim on the west is covered by my application, which is 60 acres of the 160 acres for which I applied for and was not allowed.

Land joining my homestead on the south embracing 40 acres is being held by the Forest Service for administrative purpose and the same being good farming land and would be of great use to me, this same place having been an old homestead and has improvements on it.

There has been good hay and other products raised on this place.

There is one other point which I wish to impress you about. This land is located in what is known by the people here as the burn, which covers about 3 sections, same being covered dead, standing, and down timber, and all is good; could be cleared and made good farms of.

There has been allowed five homesteads in all. This is not enough settlers so we can have a school or stores, churches, or good roads.

Why the forest reserve should hold this land from the people who would make good farms of this land which is of no use to the Forest Service—this I claim is entirely wrong and should be stopped. Hoping your honorable body will act on this matter and see that the homesteader has a chance, I remain,

Yours, respectfully,

A. L. WARD, *Hoquiam, Wash.*

TO THE HONORABLE CHAIRMAN OF THE BALLINGER-PINCHOT CONGRESSIONAL INVESTIGATION COMMITTEE:

We, the undersigned, bona fide settlers and holders of valid claims in the Upper Quinault Valley, within the Olympic National Forest Reserve of the State of Washington, do hereby submit our grievances, as follows:

Under the act of June 11, 1906, it was intended that all the agricultural land within the National Forest Reserves should be eliminated; but the Forest Reserve still holds, within this Quinault Valley, approximately four thousand acres of land which we believe is chiefly valuable for agriculture.

Numerous applications for homestead entry have been made for parts of this land at various times and have been rejected. Said rejections, we believe, have been due to the overzealous and unjust conservation policy of the Forest Service.

A number of settlers have been unable to obtain full claims, having been refused right of entry upon agricultural land contiguous to their present holdings.

While withholding aforesaid valuable agricultural land from entry, river bars absolutely worthless for farming purposes have been listed for entry.

The aforesaid valuable agricultural land is being held back from homestead entry, not in a compact body, but is distributed over the valley in such a manner as to separate the holdings of valid claimants from each other by narrow strips, from most of which full claims could be formed.

The natural and proper development of the valley as an agricultural community, which it is fitted to be, by first-class conditions of soil, climate, and situation, is being seriously arrested by the withholding of the remainder of the agricultural land.

The Forest Service has done little for the settlers in the matter of roads, and nothing in the matter of schools, whereas the admission of additional settlers, and consequent prospect of additional taxable property, would be of immeasurable benefit to both.

This valley was settled over twenty years ago, and prior to the creation of the Olympic Forest Reserve was almost entirely taken up by homestead claimants. When the reserve was created the majority of these claimants were so disheartened by the reports that their claims were to be taken from them and

included within the reserve that they gave up their homes, while the remainder continue to cultivate their claims.

4809 Respectfully submitting this statement of our grievances to your consideration, we hereunto subscribe our names:

Dated this 7th day of February, 1910.

J. M. Bunch, John Bunch, G. A. Newbury, A. M. Dunlap, Fritchlof A. Olson, John A. Olson, Thomas L. Fox, Frank E. Peterson, L. M. Streater, Frank Hultine, G. A. Milbourn, Joe A. Kestner, Antone Kestner, John Pruce, Wm. Pruce, Albert Pruce, Thos. F. Thorpe, Louis Haas, V. E. Boland, J. A. Ingram, Carl O. Hultine, E. H. Adams, R. V. Olson, R. M. Locke, R. L. Higby, John Lindahl, Sven J. Hultine, A. V. Higby.

Forwarded by the secretary of Aberdeen Chamber of Commerce, who hereby personally indorses request of these truthful settlers.

G. M. POWELL.

**QUINIAULT, WASH., February 7, 1910.**

John A. Olson complains of inclusion of large quantities of agricultural lands in the Quinault Valley, Washington, in the Olympic Forest Reserve.

**SPOKANE, WASH., February 7, 1910.**

L. K. Armstrong complains of leasing of water power by Forestry Bureau without warranty of law.

**QUINIAULT, WASH., February 9, 1910.**

Thos. L. Fox, Miss Queen Knox, forward applications under act of June 11, 1906, for land in the Quinault Valley, Washington (Olympic National Forest), claiming land is chiefly valuable for agricultural purposes.

**BOISE, IDAHO, February 9, 1910.**

G. W. Fletcher charges that contract for survey of Idaho-Montana boundary, under act approved March 3, 1903, let without competition required by law, and that Commissionr Ballinger approved survey after its reported turn down by inspector.

**OLYMPIA, WASH., February 10, 1910.**

Mrs. J. D. Knox complains of loss of homestead entry in the Olympic Forest Reserve by reason of improper classification of land as timber land by Forestry Bureau.

**SPRAY, OREG., February 10, 1910.**

Mr. W. H. Gates complains of refusal of the Bureau of Forestry to grant grazing permits in the forest reserve.

**QUINIAULT, WASH., February 14, 1910.**

R. L. and A. V. Higley submit appeal for decision of Bureau of Forestry on their applications to homestead land under the act of June 11, 1906.

**KLAMATH FALLS, OREG., February 15, 1910.**

T. H. Shannon complains of inclusion of certain land in forest reserve for administrative sites unnecessarily.

4710

KLAMATH FALLS, OREG., February 16, 1910.

Robert W. Claye complains of inclusion of agricultural lands in the forest reserve for administrative sites unnecessarily.

Andrew Couse, Sumter, Oreg., February 16, 1910, incloses following clipping from the Portland Oregonian and complains that the Forestry Bureau have cut down his homestead claim on account of too much timber. That claim contains only small patches of pine lumber.

ILLS OF FOREST RESERVE—STATUTE IS VIOLATED BY STRAINED CONSTRUCTION—CORRESPONDENT SAYS HONEST OREGON SETTLERS HELD BACK BY OFFICIAL MINIONS WHO ROB PEOPLE.

LA GRANDE, OREG., February 12.

TO THE EDITOR:

Much has been said in the newspapers recently about the Ballinger-Pinchot controversy and the merits of the Forest Service.

During an extended trip through Wallowa, Baker, Union, Grant, Wheeler, Umatilla, Crook, Gilliam, and Morrow counties I have paid particular attention to the sentiment of the people on this now all-important question for the State of Oregon and the West, and have found that popular sentiment is opposed to the Forest Service, or rather, the manner in which it has been administered for the last five or six years.

One of the most serious grounds of complaint is that persons who are not already established upon the forest reserve with a permit for their stock are compelled to buy out some one who holds a permit of the Forest Service before they can run stock on the same. They can not purchase their sheep where they can make the best bargain, but must purchase them of a particular class of men, namely, those established upon the reserve.

While the men who could not get on the reserves at all made complaints similar to that outlined above, those who had permits were being constantly cut, generally at the rate of 20 per cent per annum, and during this period the Forest Service is withdrawing administrative sites and fencing the very best sections of meadow lands for the exclusive use of the rangers and other forest officials—who seldom make use of more than one-tenth part of the grass thus purloined from the people.

The forest officials of the Western States would justify the existence of the forest reserves upon the ground that by regulating the range the shooting affrays and bloody riots that are said to have formerly occurred on the ranges are now entirely avoided by proper government regulation. This sort of argument, however, does not appeal to the men of eastern Oregon, as the very idea that the State can not control the difficulties arising between its own citizens is a thing foreign to American notions. If the Forest Service had not stepped in as it did, the difficulties between the different classes of stockmen would long before this have been adjusted, and the cattlemen would not be paying a tax of from 35 cents to 50 cents per head for cattle, or the sheepmen from 7 cents to 20 cents per head for sheep for this forest reserve peace bond. Few stockmen doubt that the range would be as well managed, without forest reserves, by the communities at large and at no expense as it is now managed by the Forest Service with its armies of officials and extortionate grazing fees.

#### STATUTE VIOLATED, BEING EXTREME.

According to the clear intention of the National Congress, expressed in its act of June 11, 1906, it was not intended to prevent the honest, hard-working home builder from settling upon good farming land within the forest reserves for the sole reason that such land had a few trees growing upon it. Yet, notwithstanding the clear intent of Congress, the forest officials, who are the judges of the character of the land under said act, and who endeavor to maintain jurisdiction over as large an area as possible, invariably rule that it is more valuable for timber than for agricultural purposes, and thus prevent the home builder, the developer, from making his home in this great western country, where his presence is so much needed. In the "Use Book" of the Forest Service, edition of 1908, page 42, the following paragraph occurs:

"Settlers (under the act Cong., June 11, 1906) must not expect to include valuable timber lands in their entries. Settlement made after January 1, 1906,

and in advance of opening by the Secretary of the Interior, is not authorized by the act, will confer no rights, and will be trespass."

In the first place, it is submitted the bureau concerned has made an unwarranted construction of the act of Congress of June 11, 1906, and has violated one of the first principles of the law of the land when it curtailed the rights of the citizens—the public—by construing a statute to mean what its plain letter did not mean. It was not intended by said act of June 11, 1906, to withdraw from settlement land which would make good homes for honest, needy settlers; but, nevertheless, such lands are being withheld from the settlers, and have been for a number of years past, for no other reason than to give a few self-important officials jurisdiction over a large territory. Not only this, but the land examiners of the Forest Service, and the rangers, do still greater violence to this act when they act upon said regulations and resolve every doubt against the would-be home builder.

It is a common occurrence upon all the forest reserves for rangers to prevent settlers from cutting wood for cooking purposes or in clearing land, so careful are they to "conserve" the timber. Yet with all their solicitude for the timber, it is well known to many Oregon people that large areas included within the forest reserves are practically devoid of timber; and in other cases, where there is a certain amount of timber along the streams and canyons, it is found upon examination that all the timber has been fied upon and had passed into private hands long before the forest reserves were created, thus leaving nothing but sagebrush and rocky glades for "conservation."

The reserves have been created upon the theory of conserving the timber and protecting the water supply. Yet so soon as the proclamation creating the reserve is issued, the reserve officials devote all their time and energy (the latter being a negligible quantity) to grazing and forgetting all about the original purpose for which the reserves were created. So often have applications to settle upon lands within the reserves been denied by the Forest Service that it is now the understanding among the settlers that lands within the forest reserve containing any timber at all are not subject to settlement under the homestead laws, and the homesteader is thus discouraged from even attempting to take up land within the reserves, even though it be as fertile and productive as the Nile Valley.

#### SETTLERS HOUNDED BY FOREST MINIONS.

Not only this, but those who have made entry upon lands before such lands were covered by the reserve are hounded by the minions of the Forest Service, and it seems that it is generally preferable to leave the claims, and the State of Oregon, too, rather than be bullied by the set of official ruffians, so common in Oregon, known as "forest rangers."

It is a practice quite common with forest officials to secure relinquishments of homesteads by the use of misrepresentation as to the requirements of the homestead laws and by intimidation, when the homesteaders have made their entries in perfect good faith and have complied with the very letter of the homestead laws.

It has also been the practice of the Forest Service officials to examine every entry within the reserves—homestead, desert land, timber and stone, mining locations, etc.—and endeavor to cancel such entries upon various pretexts of noncompliance with the laws, in order to hold under their jurisdiction as much of the public domain as possible. This they do by camping on the trails, as it were, of the honest settlers, taking note of their every move during the long period of their battle with the wilderness. When these honest settlers advertise to make proof they are put to the trouble and great expense of a hearing on their entries, no matter how diligent they might have been in complying with every letter of the law.

The undersigned has encountered so much discontent among settlers and those living adjacent to the reserves at the manner in which the reserves are being administered that he thinks The Oregonian would be doing a great service for the community if it would point out the way for these poor, aggrieved people to have their wrongs righted. Each person who has been wronged by the Forest Service should write to the chairman of the congressional investigating committee, Washington, D. C., stating his case in his own plain words.

Now, while Congress is interested in the subject, is the time to strike and rid the West of this horrible nightmare—this obstruction in the way of development known as the Forest Service.

AN OBSERVER.

4811 G. W. Ranck, Aberdeen, Wash., February 21, 1910, makes numerous charges against the local land office at Olympia and Seattle, Wash., and against the Forestry Bureau, and submits certain affidavits.

4812

DENVER, COLO., February 21, 1910.

Hon. KNUTE NELSON,

*United States Senate, Washington, D. C.*

DEAR SIR: \* \* \* I have just completed a review of the Forester's last annual report, and I did the same thing last year. In such review I not only bring out obscured features in the matter itself, but I couple with it other data. For example, I show that the Forester has taken 40 per cent more administrative sites (rangersteads) than he has permitted homesteads on the reserves, since the act of June 11, 1906, went into effect.

I show that 66.8 per cent of the applications passed upon under that act have been rejected.

I show that but 15,610.95 acres have been planted to trees since the Forester commenced planting in 1900, and that if he planted 15,000 acres each and every year, instead of every ten years, it would take him 4,886 years to finish planting the nonforest lands of the reserves.

I show that but 23.6 per cent of the lands burned over the past year were forest lands, and but 13.7 per cent the year before.

I show that to have made the business strictly pertaining to the reserves pay out even he would have had to charge \$5.36 per M stumpage, and that without the help of the grazier, \$8.28 per M. Forest products contributed but 17.6 per cent of the cost of the service.

These are but examples of the contents of that review. It is after this fashion that I inform myself regarding Mr. Pinchot's business with the Government.

I am, furthermore, fairly well equipped to make practical application of the data I obtain, because of having been in the open-range cattle business for over twenty years, and homesteaded, and improved with my own hands my ranch, which has since been included within a forest reserve. \* \* \*

There is one feature of information which I have tried repeatedly to obtain, and perhaps you may be able and willing to get. Mr. Pinchot repeatedly emphasizes and makes showing of figures that the average holding of the graziers on the reserves represents but a very small number of stock. He does not show, however, how many large stockmen there are. I would accordingly like to obtain data affording the name and address, the reserve or reserves used, and the number of stock of all those users, i. e., graziers, having over 500 head of cattle, and those having over 3,000 head of sheep or goats. I think this would bring out some very interesting information.

Trusting I may have the pleasure of hearing from you, I remain,

Yours, very truly,

J. ARTHUR EDDY, *Denver Club.*

MOUNT IDA, ARK., February 21, 1910.

*To the Sixty-first Congress in second session assembled, Washington, D. C.:*

A call issued by the Montgomery Times, published at Mount Ida, Montgomery County, Ark., in the heart of the Arkansas Forest Reserve, brought out over 600 settlers at an indignation meeting of homesteaders held in the court-house at Mount Ida on Saturday, February 5.

There are 2,682 voters in Montgomery County; about 50 per cent of these voters are homesteaders.

This estimate would place the number of adult male settlers on Government lands in Montgomery County at about 1,300.

Accordingly, nearly 50 per cent of the bona fide homesteaders in the county attended this meeting. This attendance is remarkable considering the fact that we are without transportation facilities.

Many came from their homesteads at points from 15 to 20 miles distant to the meeting place. A full and accurate report of this meeting is contained in the Montgomery Times of February 11, 1910, a copy of which is attached hereto and marked "Exhibit A."



The homesteaders assembled effected a permanent organization, hereafter to be known as "The Homesteaders' Protective League of Montgomery County." At this meeting, held on February 5, the following resolutions were adopted:

## RESOLUTIONS.

Whereas the homesteaders of Montgomery County, in session assembled, believing that persons owning deeded lands are being deprived of their just rights on account of being bordered, and in many cases surrounded by the reserve land of the Arkansas Forest Reserve, thereby causing them to be completely hemmed in and cut off from neighbors and other settlers; and

4813 Whereas, believing that a gross injustice has been practiced upon the citizenship of our county and its respective communities by thus retarding its progress and settlement; and

Whereas, believing that our children are being deprived of their legal and just rights because of the fact that the aforesaid isolated families are thus deprived of schools and educational facilities by reason of such isolation, and because of the additional fact that these lands are withdrawn from taxation for school purposes, and that moneys derived from the sale of timber on this reservation is not spent in the interest in maintaining schools and educational facilities; and

Whereas, believing that no improvements for the benefit of the masses have been made since the creation of the Arkansas Reserve; and

Whereas, believing that through the creation of the Arkansas Forest Reserve numbers of homesteaders have been intimidated and illegally mistreated and ousted through the reports, recommendations, and at the hands of the forest officers; and

Whereas it is a well-known fact that the forest officers have interfered and are interfering with bona fide homesteaders who entered these lands prior to the establishment of the reserve, in manner as follows:

(A) Advising homesteaders to refrain from making further improvements on the ground that the land entered was more valuable for timber than for agricultural purposes, thereby in many instances causing well-intended settlers to abandon their homes;

(B) Overestimating, and in some cases doubling, the stumpage on homesteads in their reports to the Land Office;

(C) Reporting a less amount of improvements than was actually present on the homestead;

(D) Advising settlers to abandon or relinquish their homestead without trial; in some instances advising entrymen to relinquish and reenter under act of June 11; then reporting adversely on the reentry;

(E) Checking final proof in legitimate cases by sending in reports which resulted in depriving entrymen of their homes to which they were justly entitled;

(F) Sending in adverse reports to the Land Office which resulted in the cancellation of more than one hundred homesteads justly earned by reason of continued residence and cultivation;

(G) Taking advantage of any and every technicality of law to deprive legitimate entrymen of their homesteads;

And whereas the larger proportion of the lands of Montgomery County are well fitted for agriculture and horticulture and the laws specially state that such land, though embraced within a forest reserve, is subject to homestead entry, yet by unjust and unfair reports out of several hundred applications made within the county for such entry not more than a dozen have been allowed.

That by reason of the lack of transportation facilities, deterrent considerations, the methods of the Forestry Service in determining timber and agricultural values, viz: The estimated cost of clearing land per acre by hired or day labor versus what the land will sell for when the land is cleared is unjust and unfair; that had such rules been applied in the past all of the rich alluvial Mississippi and other river bottom lands of the South and East, now held at a fabulous price per acre, would still be virgin wildernesses; and

Whereas all homesteads entered between May 10, 1907, the day when these lands were set aside for the proposed Arkansas Forest Reserve by the Secretary of the Interior, and December 18, 1907, the date when the President of the United States issued his proclamation creating the Arkansas Forest Reserve, have been canceled, or held for cancellation, even though the entrymen conformed strictly with every requirement of the law; and

Whereas the Commissioner of the Land Office has admitted in each instance that the applications in these cases were erroneously granted, and in consequence of which criminal negligence the settler must suffer the loss of his home:

Therefore we, the citizens of all interests in Montgomery County, do petition your honorable body to entirely relieve our county of the national forest reserve; to restore the former method of homesteading through the Department of the Interior under the land-title act, inasmuch as the national forest reserve and the National Forest Service, as demonstrated in our county, is utterly opposed to our every interest, contrary and inimical to our democratic form of government, too expensive for the results obtained, and an imposition on our citizenship.

GEO. SHERMAN,  
J. M. MARKS,  
I. C. FREEMAN,  
*Executive Committee.*

4814 The foregoing resolutions were passed unanimously by a rising vote of the homesteaders of Montgomery County present and assembled, and on motion, the chairman, the secretary-treasurer, and the members of the executive committee were authorized to append their signatures thereto and present the same to our Representative in Congress and the United States Senate.

L. L. HITCHCOCK,  
*Chairman.*  
ALFRED WALLACE,  
*Secretary-Treasurer.*

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GRANGEVILLE, IDAHO, *February 24, 1910.*

R. C. Whitman complains of adverse decision of Commissioner of General Land Office in connection with his homestead entry, certain land of the Lewiston, Idaho, land district.

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MOGOLLON, N. MEX., *February 26, 1910.*

C. H. Kirkpatrick complains that the administration of the forest reserve is working hardships and injustice to settler and cites instances.

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LIBERTY, WASH., *March 6, 1910.*

#### CHAIRMAN COMMITTEE BALLINGER-PINCHOT INQUIRY.

DEAR SIR: I wish to present some facts to you concerning the settler in the forest reserve "Wenatchee division, Sauk district, Kittitas County, Wash."

I am a bona fide homestead settler in this district, having settled prior to the creation of forest reserve, and hereby give you some of the ways and threats made by forest officers to beat me out of my land.

First. They gave special-use permits to trespassers to crop my land, and A. Sylvester, supervisor, refused to revoke permits when I complained.

Second. C. B. Simmons, forest ranger, came to me after I had applied under the act of June 11, '06, with a view to having my land opened to entry. He came to me and told me I had forfeited my right to my homestead by applying.

Third. Next Ranger Blankenship came to me, telling me my land would have to be resurveyed, which turned out to be utterly false, and was only another way they were going to try to beat me out of my land.

Fourth. After my land had finally been listed with the Secretary Interior, after nearly two years' delay, Forest. R. Earl Kerstetter came and ordered me to cease clearing my land and cutting wood for my own use.

This is only a bird's-eye view of the system the forest officers employ to harass and discourage settlers in the forest. I have evidence in black and white to prove it, and I am not the only settler in here with the same complaint; for instance, H. Monahan, Edmund Grady, Mrs. Hall, "widow," Sam Durst, are some that I personally know of with the same complaint against the forest officers. I would like to see this district classified, as there are

thousands of acres of the finest dairy and hay land in the State being held from settlement by the forest reserve.

I could give you a great deal more of the abuses of the forest system if it were not for taking up too much of your time.

Yours, truly,

DODGE ALLEY, *Liberty, Wash.*

BUCKLEY, WASH., *March 7, 1910.*

F. L. Allison complains of denial of right to take homestead entry in Mount Ranier Forest Reserve on account of land being classified as timber land instead of agricultural land.

BUCKLEY, WASH., *March 7, 1910.*

C. W. Rose complains of loss of homestead entry in the Mount Ranier Forest Reserve by improper classification of land as timber land by Forestry Bureau.

4815 W. E. Thompson, San Francisco, Cal., March 14, 1910, complains of inclusion of 350,000 acres of land in forest reserve in the Independence land district, California, on 250,000 acres of which there is not a natural tree, and on the balance of 100,000 acres there is probably not 100 cords of wood. Also refers to withdrawal of valuable oil lands, and states that the Southern Pacific Railroad, Standard Oil, etc., are sinking wells along this land and using the government land as a reserve to draw their supply from.

BUCKLEY, WASH., *March 16, 1910.*

Archia Bullis complains of loss of homestead entry in the Mount Rainier Forest Reserve by improper classification of land as timber land by Forestry Bureau.

WHITEFISH, MONT., *March 16, 1910.*

Guy A. White complains that Forestry Bureau "froze" him out of his homestead in Lincoln County, Mont. Says he settled on the land prior to the establishment of the forest reserve.

BUCKLEY, WASH., *March 24, 1910.*

Milo Ross complains of loss of homestead in White River Valley, Washington, within forest reserve, by improper classification of land as timber land by Forestry Bureau.

SPRINGFIELD, OREG., *April 8, 1910.*

CHAIRMAN OF CONGRESSIONAL INVESTIGATING COMMITTEE,

*Washington, D. C.*

DEAR SIR: Inclosed you will please find papers that will probably assist you in your investigation. I will tell you how the foresters served me. I sent to Washington, D. C., and got the land laws and complied with them to the letter. I made my final proof, got a receipt from the Roseburg office that it was clear, no contests or anything against it (my homestead entry). My final proof I had two of as good citizens as there are in Oregon for honesty and veracity, and I offered to furnish additional evidence. They would not accept it; they said two was enough. Now, the office at Washington, D. C., refuses to issue me a patent until it is investigated by the forester. Those foresters are a curse to the country. It is no use for Congress to make laws if they allow those foresters

to reverse them. I lived on the homestead over three years, 1 mile from the Cascade Forest Reserve. I was a soldier in the Twelfth Indiana Cavalry in the civil war. I came over 2,000 miles to take up a homestead, so as to have a home in my old days. I wrote a letter to President Roosevelt, explaining to him how the timber and stone act was violated. Ask Glavis what he did with it. I know of near neighbors that have had to wait over five years before they got a patent for their land. They were hounded to death by foresters. I think it is quite a funny thing that the Government will take a forester's word before they will the word of four good citizens. My claim is homestead entry No. 14049, E.  $\frac{1}{2}$  SE.  $\frac{1}{4}$ , S.  $\frac{1}{2}$  NE.  $\frac{1}{4}$ , sec. 2, T. 20 S., R. 1 W. of Willamette meridian. I could tell a great deal more, but probably it is not worth while. Hoping you will make a thorough investigation,

Yours, respectfully,

PRESTON W. GREEN.

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QUINIAULT, WASH., April 20, 1910.

A. V. Higley complains of action of Secretary of Agriculture in denying application under act of June 11, 1906; also inclosing original petition with twenty-odd signers, alleging that the land sought to be acquired by Higley is agricultural in character.

3749

[From Washington Post, April 21, 1910]

**MAY CHECK EXODUS—WILSON PLANS TO STOP FLIGHT OF FARMERS TO CANADA—TO CLEAR FOREST TRACTS.**

Rangers ordered to give all possible assistance to settlers—United States loses thousands of home builders because of forest service regulations—Red tape to be eliminated—Proclamations soon to be issued placing 4,000,000 acres within the reach of agriculturists.

[By Arthur C. Johnson.]

Deeply impressed by the fact that many hundreds of American farmers, imbued with pioneering proclivities, are passing over opportunities for making homes in the West and flocking to the frontier in western Canada, the Secretary of Agriculture is preparing to inaugurate a system whereby settlers will be induced to occupy arable tracts within the forest reserves.

As a starter on this policy, Secretary Wilson has already dispatched Chief Forester Graves on a tour of the forest reserves in the West, with orders to serve notice on all forest supervisors and forest rangers that hereafter everything possible must be done by them to aid settlers not only to find farms 3750 within the forest reserves, but to acquire these tracts and become bona-fide citizens of western expanses. According to the Secretary's determination, many of the burdens, heretofore imposed upon settlers in demonstrating the possibilities of farming tracts they have discovered within the confines of national forests, are to be lifted, and the forestry employees are to be required to exert every effort to people such portions of the reserves as exhibit any signs whatever of being of value for the raising of products.

It can be definitely stated that it is the intention of the Department of Agriculture to carry this policy to the extent of actually removing and disposing of merchantable timber from tracts where the standing growths are not necessary to conserve water supply and turning said lands over to settlers for occupancy and improvement.

**WELCOME NEWS FOR THE WEST.**

The news of this stand by the department will be received throughout the West with acclamation, for one of the chief curses directed against the forest-reserve policy heretofore has been in relation to the zealousness of the administrators in maintaining the national forests as sacred expanses wherein a settler must laboriously prove his right to enter and take up farming land.

Although directed from Washington to grant to the pioneering farmer the right to enter agricultural tracts within the forest, it is charged that the rangers

and supervisors have been required to lay forth such an array of "red-tape" proceedings in these instances that many a prairie schooner, in which the settler carried his family and all of his worldly effects, has wound its way wearily onward to localities where open arms awaited the man who showed his intention of breaking in the wild soil and fighting out his livelihood.

It has been discovered that Uncle Sam has lost many an inhabitant for his sparsely settled regions in the West through the sheer disinclination of that individual to go through the maze of regulations which the Forest Service has imposed upon him, and through the fear of having his claims entirely disputed in the end and being thrown out penniless to wander into more hospitable territory.

Through the fact that the average homeseeker and agriculturist is not a protesting individual, the pronouncement of a forest ranger that the tract he has selected is more valuable for forest purposes than for farming almost invariably has caused him to fold his tent and steal away with the idea that forest reserves are accursed territory. Such protests and appeals as have come to Washington in the past for a reversal of this strenuous policy of fastening upon the settler the burden of seeking his home in the reserves and of imposing upon him the expense of waiting for a decision as to his right to occupy the land he has picked out have been invariably met with the assertion that the man who is obtaining a home can surely have the pluck and endurance to fight out his right to it when he finds it, and that in order to keep the national forests from despoliation the Government must adopt a cautious course toward all comers.

#### SECRETARY REALIZES HARDSHIPS.

Secretary Wilson himself realizes the hardships to be met by the man who is wandering over the country in search of a homestead, for his own parents made their way from the East to Iowa in the early fifties in a humble wagon drawn by an ox team and entered that State before it had a railroad within its border. He believes that the Government should place as little discouragement as possible in the way of the individual who is thus willing to cast his fortunes with the soil, and he has resolved accordingly that while the ends for which forest reserves were created shall be conserved, the man who desires to settle within them shall be given every opportunity within reason to take up land and proceed to reap the fruits of his industry. He has ordered that forest rangers shall in the future befriend in every way possible the man who is searching for a home, and if there are suitable homesteads in the lowlands, which are now reserved from entry on account of the presence of a small amount of salable timber, the Government will dispose of that timber and give up the land, providing its agricultural improvement can be foreseen.

The Secretary sees many advantages in this system of settler encouragement. Not only will the States gain taxable property, he reasons, but the increase in the number of inhabitants will serve to keep the forest fires in check. It will be possible also to do away with many so-called ranger stations—those extensive open tracts which are now being maintained for the support of the forest employees in charge—for the increase in the number of the settlements will give the rangers places to live.

3751

4,000,000 ACRES SOON AVAILABLE.

There is at present in hand at the Forest Service offices a general elimination from the national forests of tracts which do not bear timber growths. Proclamations will be issued before long returning over 4,000,000 acres of land to the public domain, where the right to enter it will be as free and unrestricted as the land laws will permit. Secretary Wilson has intimated recently that other eliminations will be made from time to time until the land which the Government has no right to reserve for forests will be removed as thoroughly as possible. If there still remain tracts within the reserves upon which settlers think they can make a living by farming, those individuals will be aided in acquiring them, providing they do not bear trees which are necessary to protect the water sources. The Secretary of Agriculture admits, in fact, that he has authority to make settlement in the forest reserves, an undertaking wherein the nature of the land itself will be the restrictive agent rather than the Government.

A similar liberal policy will be put in force in regard to the prospecting and the locating of mineral deposits within forest reserves.

The fact that more than 87,000 farming individuals went into Canada from the United States inside of eleven months and settled on the agricultural tracts there undoubtedly has made an impression upon President Taft and his Cabinet. The activity of Secretary Wilson in welcoming settlers to the national forests is supposed to be the initial effort of the Government to remove the excuses which these Americans have made for not making settlement upon lands which are equally productive within their own country.

Action may soon follow in the regions where vast strips of land are withdrawn from entry and awaiting the action of Congress in regard to the conservation of water-power sites. It is realized that through the extensive system of land withdrawals for forest reserves, reclamation projects, and conservation movements in general the United States has perhaps gone much further than was ever anticipated in the discouragement of western settlement.



## PART X.

# RULINGS OF DEPARTMENT OF THE INTERIOR RELATING TO RIGHT OF FORMER EM- PLOYEES TO PRACTICE BEFORE DEPART- MENT WITHIN TWO YEARS AND RELATED MATTERS.

289

ATTORNEY—SECTION 190, REVISED STATUTES.

W. D. HARLAN.

The phrase "claim against the United States," as employed in section 190 of the Revised Statutes, must be construed as meaning a money demand against the United States; and it therefore follows that the inhibition contained in said section does not extend to a former employé of the General Land Office, who appears before the Land Department on behalf of an applicant for a tract of public land.

*[Secretary Smith to the Commissioner of the General Land Office, August 23, 1893.]*

W. D. Harlan, attorney, appeared at your office for the purpose of representing Dorus M. Fox, who was seeking to amend his homestead entry, No. 1184, Des Moines, Iowa.

In your letter of June 30, 1893, you refuse to recognize him as attorney in said case, and he has appealed to this Department.

Your refusal was based upon the ground that W. D. Harlan was disqualified, under departmental construction of section 190 of the Revised Statutes in the case of Luther Harrison (4 L. D., 179).

Harlan was inspector of surveyors-general and United States land offices, from July, 1889, until June, 1893, during which time the case of Fox, in which he desired to appear as attorney, was pending before the land office.

The section (190 Revised Statutes) upon which your action was based provides that:

"It shall be unlawful for any person appointed after the first day of June, one thousand eight hundred and seventy-two, as an officer, clerk, or employe in any of the Departments to act as counsel, attorney, or agent for prosecuting any claim against the United States, which was pending in either of said Departments, while he was such officer, clerk, or employe, nor in any manner, nor by any means, to aid in the prosecution of any such claim, within two years next after he shall have ceased to be such officer, clerk, or employe."

The proper solution of the question presented in the appeal of Harlan depends upon the meaning of the words "prosecuting any claim against the United States."

The litigation between citizens seeking to acquire title to public lands, under the homestead and other laws, is in no sense a claim *against* the United States, nor is an ex-parte proceeding, such as that begun by Fox, for whom Harlan proposed to appear as attorney, a "claim *against* the United States." The citizen in his relation to the government, while availing himself of the benefit of the land laws, is simply exercising a right conferred upon him by the voluntary act of the government. In so far as the great mass of land cases are concerned, it is an indifferent matter to the government who prevails, except in that broad and comprehensive sense in which it is interested in the maintenance of law and order.

(1487)



Mr. Fox is not "prosecuting a claim against the United States," he is simply endeavoring to avail himself of the benevolence of the government. This view appears to be conclusive of Harlan's right to appear as his counsel. If, therefore, the case of Fox is not a proceeding *against* the United States, Harlan is not disqualified to appear as his attorney, no matter what meaning may be given to the word claim as used in the statute.

It is important, however, to ascertain the meaning to be given to the word "claim" as used in the section under consideration.

290 The statute includes all Departments in which are pending claims against the United States. It is limited in its application by its own terms to claims. It does not affirm that all cases are claims; we are left therefore to employ the ordinary rules of interpretation to ascertain the legislative intent.

Section 3477 of the Revised Statutes contains the following:

"All transfers and assignments made of any claim upon the United States, or of any part or share thereof, or interest therein, whether absolute or conditional, and whatever may be the consideration therefor, and all powers of attorney, orders, or other authorities for receiving payment of any such claim, or of any part or share thereof, shall be absolutely null and void, unless they are freely made and executed in the presence of at least two attesting witnesses, after the allowance of such a claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof."

This statute was enacted in 1853, under the title of "An Act to prevent frauds upon the Treasury of the United States." The 2d section of that act contains a provision disqualifying any officer of the United States, or person holding any place of trust or profit, or discharging any official function under or in connection with any executive department of the Government of the United States, etc., from becoming an agent or attorney for prosecuting any claim against the United States. This statute, treating the word claim as something which can not be assigned until "after the allowance of such a claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof," contains its own legislative interpretation, clearly limiting its application to a money demand against the government.

Where the meaning of a word is clearly defined in one statute, it is regarded as a legislative interpretation, and will be given the same meaning when used in another statute upon the same subject. The statute of 1853 disqualifies certain officers of the Government from prosecuting any claim against the United States. Section 190, Revised Statutes, disqualifies certain persons who have been employes from prosecuting any claim against the United States. The former furnishes a rule for the interpretation of the latter statute.

In the case of the United States *v.* Gillis (95 U. S., 407), the statute of 1853 has received a judicial interpretation.

Counsel for Gillis, having in mind section 236 of the Revised Statutes, which provides that "All claims and demands whatever by the United States or against them, and all accounts whatever in which the United States are concerned, either as debtors or creditors, shall be settled and adjusted in the Department of the Treasury," contended that the act of 1853 is applicable only to claims asserted before the Treasury Department.

The court, however, did not so limit the application of the statute, but construed the act to include such claims as were presented to Congress, and such as were set up by defalcation in suits brought by the Government. The court, in said case, said also that the act of 1853 "embraces every claim against the Government, however arising, of whatever nature, and wherever and whenever presented."

Now, the court pointed out the claims which Congress had in view, all of them being money demands, and in perfect harmony with the caption and body of the act under consideration.

The plain and manifest meaning of the word claim against the United States, as used in the decision, is that the act embraces all claims, and that all claims are money demands.

291 Again, it is decided in the "Abbotsford" case, in the 98th United States, page 400, that when words used in a previous act have acquired by judicial interpretation a definite meaning, they will, when used in subsequent acts, be presumed to be used in the same sense.

Claim against the United States, therefore, as used in Section 190, Revised Statutes, must be construed as meaning a money demand against the United States.

In seeking the legislative intent, and keeping in mind the mischief sought to be remedied by the statute, it is not improper to inquire somewhat into the history of its enactment.

Section 190 of the Revised Statutes is included in the Post-Office appropriation bill, approved June 1, 1872. It seems that the act grew out of a scandal emanating from the acts of a clerk, who, taking advantage of his position, familiarized himself with a large number of claims against the government, left its service, and sought and obtained employment of the claimants, prosecuted the claims, and received a large percentage of the recovery as compensation.

It will be borne in mind that the acts of the clerk, a repetition of which is sought to be prevented by the statute, relate to money demands.

In 14th Peters, page 178, the court say:

"It is undoubtedly the duty of the court to ascertain the meaning of the legislature from the words used in the statute, and the subject-matter to which it relates; and to restrain its operation within narrower limits than its words import, if the court are satisfied that the literal meaning of its language would extend to cases which the legislature never designed to include in it."

In the case of Luther Harrison (4 L. D., 179), the reason given for extending the inhibition of section 190 to all cases in this Department is in the following language:

"Certain government employ  s are the trusted custodians of its books and papers, while others have free and unrestricted access to the same. It might be an easy thing for a faithless employ   to use his time, not in the speedy and just settlement of claims against the government during the term of his office, but in preventing such settlement, and putting them in such a shape as to enable him to reap handsome profits by their unjust settlement after the term of his service has expired."

In view of the fact that in cases pending before your office or in this Department, in which persons are seeking to acquire title to the public lands, all parties in interest have access to the papers, that the evidence is prepared elsewhere and before they reach your office, that it is not in the power of a clerk to hinder or retard the consideration of a case, that all his work is reviewed by the Commissioner and the Secretary, it is not easy to conceive by what means an employ   can put a case in such shape as to reap a handsome profit, after his term of service expires.

The case of Dorus M. Fox, not being a money demand against the government, W. D. Harlan was not disqualified to act as his attorney. Therefore your said decision is reversed.

#### ATTORNEYS BEFORE THE DEPARTMENT.

##### LUTHER HARRISON.

Section 190 of the Revised Statutes comprehends in its terms all the Departments and the prohibition therein extends to the prosecution of pending claims of every class, whether as counsel, clerk, or agent, during the two years designated.

[Secretary Lamar to Commissioner Sparks, October 6, 1885.]

I have received a letter from Luther Harrison, Esq., late Acting Commissioner of the General Land Office, purporting to be an appeal from your action as Commissioner of the General Land Office, in refusing to recognize him as an attorney in certain matters pending before that office. The facts in this case are shown in the following correspondence:

"WASHINGTON, D. C., Sept. 22, 1885.

HON. WM. A. J. SPARKS,  
*Comm'r General Land Office:*

SIR: I was informed yesterday that you had instructed your chiefs of divisions that I was not permitted to appear in any case pending while I was  
292 in the employ of the General Land Office, and that in such cases I should be denied access to the papers and not advised of the action of the office respecting them.

This action, I presume, was had under some supposed authority contained in the letter of the Hon. Secretary of the Interior to you, of 17th instant, directing, in response to your inquiry, an enforcement by you of section 190 of the Revised

Statutes, prescribing the terms and conditions upon which certain persons, previously employed by the Government, may prosecute claims against it.

This action on your part is not justified either by the law or the Secretary's letter referred to, and I respectfully request that you reconsider it.

The rights, privileges, and liberties of an American citizen, as guaranteed by the Constitution of our common country, are a priceless heritage left him by his forefathers, and should not be trampled upon to satisfy the whim and selfish greed of persons who have been agitating this matter, and who, but for the limitation of two years, during which time they enjoyed a lucrative practice, would now come within the provisions of the law. It is a serious thing to deprive a man of his only means of earning a livelihood for himself and family, and should not be done except for some crime committed, or unprofessional conduct, and this branch of the case appeals to you upon other grounds which I need only mention to be understood.

I claim also that section 190 of the Revised Statutes has no application to my case, because it provides that "It shall not be lawful for any person appointed after the first day of June, one thousand eight hundred and seventy-two, as an officer, clerk, or employé in any of the Departments to act as counsel, attorney, or agent for prosecuting any claim against the United States which was pending in either of said Departments while he was such officer, clerk, or employé, nor in any manner, nor by any means, to aid in the prosecution of such claims, within two years next after he shall have ceased to be such officer, clerk, or employé."

This law clearly contemplates that any person who was not in the employ of the Government on the 1st day of June, 1872, but was thereafter appointed to office, should not be permitted to prosecute any claim against the Government which was pending while he was in office, within two years next after he shall have severed his official relations with the Government.

This is apparent for the reason that the Constitution, under the head of "Limitations of the power of Congress," in express terms provides:

"No bill of attainder, or *ex post facto* law shall be passed." Art. 1, section ix, paragraph 3.

At the date fixed by the law, June 1, 1872, I was a third-class clerk in the General Land Office, and from that time and before, to the 31st of August, 1885, I was continuously employed in that office. It is true, however, that I did not continue in that grade. The record shows that January 31, 1880, I was commissioned by the President to be principal clerk on private land claims; September 20, 1882, was appointed by Secretary to be chief clerk, and July 9, 1884, was commissioned by the President to be assistant commissioner. My employment, however, has been continuous from the date of my original appointment, December 9, 1865, to the 31st of August, 1885, when my resignation of the office of assistant commissioner took effect, and the record will also show that I have been paid for every day during that period. The various positions which I have filled since the 9th day of December, 1865, were a continuation of the original appointment which was then made, and which was the foundation of, and key to, my entrance into the public service as a first-class clerk, and they have always been considered promotions from that grade.

I hope you will give this subject that serious consideration which it merits at your hands, and advise me promptly of your decision.

Respectfully,

L. HARRISON.

DEPARTMENT OF THE INTERIOR.  
GENERAL LAND OFFICE,  
Washington, D. C., Sept. 23, 1885.

HEN. L. HARRISON.

DEAR SIR: Yours of the 22d instant before me. In reply I beg to say, that I transmitted to the chiefs of the various divisions of the General Land Office a copy of the "Secretary's Instructions" in relation to persons who had been officials of the office practicing as attorneys therein, with directions that they should cause the same to be strictly complied with.

In this I certainly have neither deprived, nor attempted to deprive, you of any of your constitutional and legal rights, nor have I thereby indicated any unkindly treatment toward you personally, but simply, as I conceive it, have discharged my official duty under the law, to the head of the department under which I serve.

It is not unknown to you that it has been, and is, my earnest desire and determination, so far as in me lies, to do away with the loose practices that have heretofore existed in the General Land Office.

In this I shall continue, prompted by the sole desire to discharge a duty, and certainly regretting if in doing this, anybody shall feel that they have cause of grievance, or that it is aimed at them in any spirit of unkindness or malevolence.

Very truly,

WM. A. J. SPARKS,  
*Commissioner.*

In a communication addressed to me, as Secretary of the Interior, dated September 30th, and entitled as stated at the beginning of this paper, Mr. Harrison says:

"It will be observed that the Commissioner does not directly decide whether my case as presented to him, falls within the provisions of the law, yet in view of what I had stated as his action in the matter, he, by inference, decides that it does, and there can be no doubt about this, for in his letter he says, without qualification, that the directions given were with reference to persons practicing who had been previously officials of the office and that he had simply as he conceived it, discharged his official duty under the law, to the head of the Department, thus denying a reconsideration of his action. . . .

I now respectfully appeal to you, and as grounds therefor state:

(1) That Section 190 R. S. should be held to apply only to the prosecution of claims for money.

(2) That it has no application in the practice before the General Land Office except in cases involving the payment of money.

(3) That in my case the law has no application whatever."

In the course of his argument Mr. Harrison contends that he should be excepted from the operations of the statute for the following reasons:

"I was then, and for some years previous, employed in the General Land Office. From date of my original appointment to the 1st instant, I was not for a day, an hour, or an instant, out of such employment. It is true that my salary was increased by promotion to higher grades, and that I performed different duties at different times. It is also true that these promotions were made by new appointments. I contend, however, that it was the clear intent of the statute to except from its operations any person who on June 1st, 1872, was an officer, clerk, or employee in any department, and who continuously thereafter remained in such Department up to his severance of official relations, following which, he might seek to practice as an attorney."

#### OPINION.

The question presented is, whether a person who holds his appointment as an officer, clerk, or employee in the Department of the Interior may act as counsel, attorney, or agent for prosecuting any claim against the United States in that Department while he was such officer, clerk, or employee, or can in any manner, or by any means, aid in the prosecution there of such claim, until two years have expired since the dissolution of his official connection with that Department.

The act of Congress of 1872, section 190 of the U. S. Revised Statutes, reads as follows:

"It shall not be lawful for any person appointed after the first day of June, one thousand eight hundred and seventy-two, as an officer, clerk, or employee in any of the Departments, to act as counsel, attorney, or agent for prosecuting any claim against the United States which was pending in either of said Departments while he was such officer, clerk, or employee, nor in any manner, nor by any means, to aid in the prosecution of any such claim, within two years next after he shall have ceased to be such officer, clerk, or employee."

The prohibition of this statute is unconditional, and comprehends in its terms all of the Departments of the Government, every case of the prosecution of a claim pending against the United States in any one of them, and debarb every officer, clerk, or employee from participating in any manner, with any means, whether as counsel, clerk, or agent, in the prosecution of that claim within the time designated.

I shall consider this case as an appeal from the decision of the Commissioner of the General Land Office in cases of contests relative to titles to the public lands between claimants, and which were pending while the appellant was a clerk in that office, and within two years since his resignation.

The objection is that this statute has no reference to contests of title to lands, but only to claims for money upon the United States, and that the lan-

guage of the statute and the policy of the act are each satisfied by this interpretation.

I do not concur in this conclusion. The statute applies to all of the Departments; to all of the offices of the designated classes in each one; and to all prosecutions of claims of every class in the Departments pending there while the officers, clerks, or employés appointed since June, 1872, belonged to them. The act is not penal in its nature. It authorizes no criminal prosecution, nor does it impute discredit or dishonor, nor affix stigma on any. It creates a civil disability for the public utility. Its design is to elevate the public service, so that it may inspire public confidence. The act plainly implies that it is not suitable or seemly for an officer, clerk, or employé, shortly after his departure from service in a Department, to appear before that Department as a prosecutor of the claims pending therein against the United States while he was a member of it.

The principle of the act is, that all the public servants in the Department, whether officers, clerks, or employés, shall observe a condition which at least tends to hinder them from appearance of being placed under a suspicion of having had a conflict between their duties as officers or public agents and as men, and as giving preference to the last. For two years after their resignation or dismissal they are disabled for the prosecution of claims in the Department against the United States. The terms of the act are unqualified, and are very expressive by their universality and absoluteness. My opinion is, they embrace all persons commissioned or appointed in the Department since the first day of June, 1872, as officer, clerk, or employé, and who have not been out of service for two years. Neither do I concur in the argument that cases prosecuted in the Land Office relative to claims for title to the public lands are not included within the terms of the act.

The power to dispose of the public domain, and to make rules respecting it under the acts of Congress, is confided to this Department. The *claims* upon the United States respecting the disposition of their public lands arise out of treaties with foreign nations and Indian tribes; compacts between the United States and States of the Union; and laws of the United States for disposition by sale, donation, or as bounties, under laws for settlement, and grants of pre-emption and other forms of contract. It would be difficult to state the value of the rights and interests involved and the variety of questions and controversies that arise. An officer, clerk, or employé of the Department may abuse his opportunities in the department for the acquirement of information, or the making of connections to assist him to appear favorably and profitably thereafter, as counsel, attorney, or agent in the litigious discord which may exist, or as preparing in the department cases of claims. Such officer, clerk, or employee during his term may apply himself for practice after his resignation. He may be tempted to foment controversies in respect to titles which have come before the department in his presence, and perhaps in cases within his cognizance and within his care as an officer, clerk, or employee.

The titles issued by the Government may be discredited, and the purchasers of the public domain embarrassed, because of such infidelity. The irregularities, defects, or omissions he may have noted he may conceal and withhold for further speculation or merchandise.

It is easy to conceive of cases of claims and counter-claims pending between the Government and its citizens, where the loss, destruction, or mutilation of a single book or paper, or the alteration of a single word therein, might result in a heavy loss to the Government and a great injustice to a large number of citizens. In view of the fact that certain government employees are the trusted custodians of its books and papers, while others have free and unrestricted access to the same, it might be an easy thing for a faithless employee to use his time—not in the speedy and *just* settlement of claims against the Government during the term of his office—but in *preventing* such settlement and putting them in such a shape as to enable him to reap handsome profits by their *unjust* settlement, after the term of his service shall have expired.

The statute is so comprehensive and absolute in imposing disqualification, that we may fairly conclude the decision was, that the ax was to be placed at the root of the tree bearing the fruit. The statute imports that no citizen should be put to loss or suffering because of the infidelity of any of the officers of the department appearing as counsel, attorney, or agent, adversely to the United States, by any manner or means in their profession.

The statute includes all persons "appointed after the 1st day of June, 1872, as an officer, clerk, or employee," etc. That was the date of the passage of the act; and the Congress in directing that the statute should apply alone to appointments made after its enactment, evidently intended in a spirit of fairness to impose the disability, which sound public policy required, only with the assent of the appointee—to be implied from acceptance of the office. It gave notice that all persons thereafter appointed as officer, clerk, or employee in any of the departments must accept their appointments and commissions subject to the conditions prescribed. This purpose is just as applicable to one who has accepted a distinct appointment to a new and better position since the date fixed, as to one newly introduced to the service. Those officers of the department who have been appointed to another grade and commissioned are included in the prohibitions of the act. They clearly apply to one who, like Mr. Harrison, has accepted and held an office by appointment of the President, by and with the advice and consent of the Senate, when at the time specified by the statute he was employed merely in a clerical capacity.

Your action is approved.

Very respectfully,

L. Q. C. LAMAR,  
*Secretary.*

4108

ATTORNEY—SECTION 190, REVISED STATUTES.

*Yeater v. Prince.*

The phrase "claim against the United States," as employed in section 190 of the Revised Statutes, means a money demand against the United States, and does not apply to the prosecution before the Land Department of claims involving the right and title to public lands.

Acting Secretary Ryan to the Commissioner of the General Land Office. (F. L. C.) July 22, 1904 (D. C. H.):

William N. Yeater has filed and the department has considered a motion for review of its unreported decision of March 26, 1904, dismissing his contest against the homestead entry of Fred F. Prince for the SE.  $\frac{1}{4}$  of sec. 19, T. 8 S., R. 8 W., Oregon City, Oregon, land district, and holding said entry intact subject to future compliance with the law.

The grounds upon which the motion for review is based are substantially (1) that the appeal of the defendant to the department from your office decision of October 8, 1903, holding his entry for cancellation was and is null and void and should have been dismissed for the reason that the attorney representing the defendant was at the time of the hearing in this case register of the land office at Oregon City, and is disqualified to act as attorney under section 190 of the Revised Statutes, and (2) that the said departmental decision is not sustained by the law and the facts in the case.

(1) Section 190 of the Revised Statutes provides that—

It shall not be lawful for any person appointed after the first day of June, one thousand eight hundred and seventy-two, as an officer or employee in any of the departments, to act as counsel, attorney, or agent for prosecuting any claim against the United States which was pending in either of said departments while he was such officer, clerk, or employee, nor in any manner nor by any means to aid in the prosecution of any such claim, within two years next after he shall have ceased to be such officer, clerk, or employee.

In the case of W. D. Harlan (17 L. D., 216) it is held that the phrase "claim against the United States," as employed in said section, means a money demand against the United States, and does not apply to the prosecution before the Land Department of claims involving the right and title to public lands.

Attention is called in the record to section 8 of the regulations governing the recognition of attorneys desiring to practice before this department, which is printed on the last page of the Rules of Practice, and prescribes that—

No person who has been an officer, clerk, or employee of this department within two years prior to his application to appear in any case pending herein shall be recognized or permitted to appear as an attorney or agent in any such case as shall have been pending in the department at or before the date he left the service.

This rule (see official order of October 21, 1885, 4 L. D., 220, and also circular of February 1, 1886, 5 L. D., 337) was evidently formulated in accordance with the decision in the case of Luther Harrison (4 L. D., 179), which

held that section 190 of the Revised Statutes comprehended in its terms all the departments, and that the prohibition therein extended to the prosecution of pending claims of every class, whether as counsel, clerk, or agent, during the two years designated in the said section; and notwithstanding the decision in the case of *W. D. Harlan, supra*, said rule appears to have been inadvertently carried over and printed (as section 8) in the present rules and regulations governing the recognition of attorneys and agents for claimants before the department. Said rule or regulation is, however, superseded by the aforesaid decision in the *W. D. Harlan* case, and no longer governs. It is clear, then, that section 190 of the Revised Statutes does not apply in the case at bar; and even if it were applicable, the objection to the appearance in this case of the said attorney for defendant, on the ground that he was disqualified under section 190 of the Revised Statutes, was not presented to your office nor to the department when the case was being considered on appeal, and it is too late to raise and urge said objection now on motion for review. (*Tyler v. Ende*, 13 L. D., 615.)

(2) All the material matters and questions touching the merits of the case were well and carefully considered when the case was here on appeal, and 4109 it was found that the allegations of the contest were not sustained by the evidence, and now, upon full consideration of the motion for review, specification of errors, and argument of counsel therewith, no reason is seen for disturbing the said departmental decision, and, none appearing otherwise, the motion for review is denied and with the accompanying papers is returned to your office. (Decisions of the Department of the Interior Relating to Public Land, Vol. XXXIII, June, 1904, to June, 1905, pp. 137-139.)

4099

DECEMBER 12, 1908.

The honorable the SECRETARY OF THE INTERIOR:

SIR: I have the honor to submit for your consideration the following memorandum:

On October 21, 1885, Secretary Lamar promulgated the following order:

DEPARTMENT OF THE INTERIOR,  
Washington, D. C., October 21, 1885.

Order:

By virtue of the authority conferred upon the Secretary of the Interior by the act of the 4th of July, 1884, it is hereby prescribed:

That no person who has been an officer, clerk, or employee of this department within two years prior to his application to appear, in any case pending therein, shall be recognized or permitted to appear as an attorney or agent in any such case as shall have been pending in the department at or before the date he left the service.

Provided, This rule shall not apply to officers, clerks, or employees of the Patent Office, nor to cases therein.

L. Q. C. LAMAR, *Secretary*.

It is understood that the promulgation of a somewhat similar order is contemplated and that the question of its application to the Patent Office is under consideration. The above order, as appears from the proviso, excepted the Patent Office from the scope of its operation and it is believed that the reasons which led the Secretary at that time to so exempt the Patent Office apply with equal force at the present time to the order under contemplation.

The reasons which render it improper for a former employee of a department to appear as attorney in the prosecution of claims against the United States pending during the term of his employment and which led to the promulgation of the above order and to the enactment of section 190 of the Revised Statutes are not thought to apply to the prosecution of patent applications. An application for a patent is not a claim against the Government, and the attorney in a patent case is not prosecuting a claim against the Government. This is recognized in a decision of the present Secretary rendered April 23, 1907, *In re Bloch* (128 O. G., 457), which states:

"Section 5498 is limited in its restriction to the prosecution of a claim against the United States, and while an application for a patent for an invention may not

be considered as a claim against the United States these decisions would clearly bring a United States commissioner within the phrase 'officer of the United States' as used in said section 5498, and in my opinion he is clearly within the phrase 'officer or clerk in the employ of the Government,' as used in section 1782."

4100 Section 190 of the Revised Statutes which prohibits any person within two years after leaving any of the departments from acting as attorney in the prosecution of "any claim against the United States" which was pending during his connection therewith has not been construed to apply to officials of the Patent Office, nor are patent applications considered "claims against the United States." The patent, on the contrary, is in the nature of a contract and is so construed by the authorities on the subject and by the courts. The inventor having created something new, offers by his application to fully disclose his invention at once and to give it to the public at the end of seventeen years, provided the United States will allow him to have exclusive possession thereof in the meantime. In granting a patent for an invention the Government is not parting with anything possessed by the public prior to the applicant's disclosure. If the inventor chooses not to disclose his invention but to practice it in secret, the public is the loser. In payment for the invention the inventor obtains the right to bring suit in the federal courts against infringers during a period of seventeen years. Among the many cases that might be cited showing that this is the accepted view regarding patents for inventions are the following:

In the case of *O. H. Jewell Filter Company v. Jackson* (140 Fed. Rep., 340) the circuit court of appeals for the eighth circuit, in a decision rendered August 26, 1905, held as follows (p. 343):

"A patent is, after all, nothing but a contract by which the Government secures to the patentee the exclusive right to vend and use his invention for a few years in consideration of the fact that he has perfected and described it and has granted its use to the public forever after. The rules for the construction of contracts apply with equal force to the interpretation of patents. The great desideratum here, as there, is to ascertain and give effect to the intention of the parties to the contract when they made it. \* \* \* The contract evidenced by a patent is effected by the acceptance by the Government of a proposition made by the inventor in compliance with the statutes of the United States. Those statutes require him to make his proposition in the form of an application for a patent, which shall contain a written description of his invention and of the manner of constructing and using it, in such full, clear, concise, and exact terms as to enable a person skilled in the art to make and use it, and, if it consists of a machine, an explanation of its principle and the best mode in which he has contemplated applying this principle so as to distinguish it from other inventions. The statutes also require the applicant to particularly point out and distinctly claim the part, improvement, or combination which he seeks to secure as his invention." (Rev. Stat., sec. 4888; U. S. Comp. Stat., 1901, p. 3383.)

The Supreme Court of the United States in *Winans v. Denmead* (15 How., 330, 341) said:

"2. Because specifications are to be construed liberally, in accordance with the design of the Constitution and the patent laws of the United States, to promote the progress of the useful arts, and allow inventors to retain to their own use, not anything which is matter of common right, but what they themselves have created."

See also court decisions in the cases of *Blanchard v. Sprague* (3 Sumner, 535); *Carr v. Rice* (1 Fisher's Patent Cases, 198, 200); *Singer v. Walmsley* (1 Fisher's Patent Cases, 558, 562); *Goodyear v. Central Railroad of New Jersey* (1 Fisher's Patent Cases, 626, 634).

Robinson on Patents, volume 1, page 54, concerning the patent grant, states:

"It makes the reward of the inventor commensurate with the value of his invention to the public. It lays no burden on the people except that of remaining for a while without that which they never yet enjoyed. It is in all respects, if judiciously bestowed and so construed as to protect the precise thing invented, and only that, the nearest approach to a perfect apportionment of recompense to services that the law has ever known."

Patent law is of a highly technical nature and is considered a profession in itself. An order prohibiting an ex-official of the Patent Office from acting as



attorney for two years in cases pending during his employment would seriously embarrass the office in obtaining good men.

It is believed that the history of the United States Patent Office fails to disclose the necessity for the application thereto of said order. The case now before the local courts involving a former employee is the only case of its kind in the history of the office. Moreover, the fraud in that case was committed while he was employed in the office, and such a case would not be reached by the order under consideration. Since the perpetration of the above fraud additional checks have been placed on the papers filed in this office, and it is thought that all possible safeguards have been taken to prevent its repetition. After leaving the office a former employee no longer has access to pending applications and would have no opportunity to perpetrate such a fraud. The filing of the application fixes the status of the inventor. It gives

him a date of constructive reduction to practice of the invention disclosed 4101 as of the filing date of the application. After the application is filed he can not change its subject-matter. If an employee after leaving the office should disclose or seek to appropriate an invention contained in an application pending during his employment and should file an application therefor, he could not obtain a patent on such application, because it would be put into interference with the prior pending application and it would be necessary for him to establish by regularly taken testimony to the satisfaction not only of the various Patent Office tribunals, but also of the court of appeals of the District of Columbia, that he is the original and prior inventor.

The Patent Office is distinguished from the other bureaus of the Interior Department not merely in the character of the cases prosecuted before it, but in other particulars, among which may be mentioned the following:

While the decisions of the Commissioner of Patents under the statutes (secs. 4883 and 4893, Rev. Stats.) and decisions of the courts (*Butterworth v. Hoe*, 112 U. S., 50) are final in the department, an appeal lies from all of said decisions, whether in patent, trade-mark, or interference cases, to the court of appeals of the District of Columbia (sec. 9 of the act of February 9, 1893, establishing the court of appeals of the District of Columbia, R. S. U. S., Sup., vol. 2, c. 74). As a matter of fact, at the present time nearly one-half of the cases decided by the court of appeals of the District of Columbia are appeals from the decisions of the Commissioner of Patents. If the order contemplated be applied to the Patent Office in which an ex-official of said office could not for two years appear as attorney in the prosecution of old cases before the Patent Office, but as soon as the case reaches the court of appeals he can then appear and conduct the further prosecution of the case.

There is a separate statute, section 487 of the Revised Statutes, providing for the disbarment of patent agents from practice before the Patent Office, which reads as follows:

"SEC. 487. For gross misconduct the Commissioner of Patents may refuse to recognize any person as a patent agent, either generally or in any particular case; but the reasons for such refusal shall be duly recorded, and be subject to the approval of the Secretary of the Interior."

The rules of practice in the Patent Office promulgated under the approval of the Secretary of the Interior (sec. 483, Rev. Stat.) contain rules 17 to 22, prescribing the qualifications of attorneys entitled to recognition in the prosecution of cases before the Patent Office. A register of attorneys is kept in the office and only the names of attorneys who have satisfied the office of their good character and competency are entered thereon and permitted to practice before this office.

Within the past two years three members of the board of examiners in chief (a number equal to the full membership of the board), and numerous examiners and assistant examiners have voluntarily resigned from the Patent Office to engage in the practice of patent law. An order retroactive in its effect would be a serious hardship to said former employees, since it would disbar them from further prosecuting cases in which they appeared as attorneys until after the expiration of the two years where said cases were pending in the office during their employment.

The Patent Office has 41 separate examining divisions. The examiner's work seldom takes him out of his own division, and there is little opportunity for him to learn of cases pending in other divisions. If it is deemed necessary to extend the scope of the order to include the Patent Office, it is recommended

that it be limited to cases which the former employee handled in the office, or at least to those pending in the division in which he was employed.

Respectfully submitted.

\_\_\_\_\_  
Commissioner.

[Memorandum of Secretary Garfield dated December 12, 1908.]

Mr. Woodruff, please take this up in considering proposed regulations.

[Signed] "G."

\_\_\_\_\_  
FEBRUARY 26, 1909.

Mr. CLEMENTS: Please have somebody go actively to-day and find out the exact practice in each department concerning section 190 of the Revised Statutes; and as immediately as possible have statement of such practice and brief prepared showing propriety of ruling that "claim" means claim for money.

G. W. W.

GG.A.

[See also Mr. Finney's paper attached hereto. G. W. W.]

C. E. W.

Mr. WOODRUFF: I visited each executive department yesterday for the purpose of ascertaining the practice concerning the admission of attorneys and the construction which each department has placed upon Revised Statutes, section 190.

4102 The State Department has very few attorneys practicing before it, as most of the claims with which it is concerned are presented through the several embassies. No construction has ever been given to said section by this department.

The same is true of the War Department.

The Navy Department has not formally construed the section, but the solicitor informed me that where attorneys have represented clients under sentence of court-martial, in an effort to secure some reduction of the sentence or modification of it, the department has never raised any question as to the competency of attorneys to practice in such cases, notwithstanding their former connection with the service.

The Treasury Department is concerned with claims invariably representing a money demand against the United States; consequently that department has no ruling at all in point.

The same is true of the Department of Commerce and Labor.

There has been no ruling upon the subject in the Agricultural Department, but I was informed that the view there entertained is that "claims against the United States mean merely a money claim."

The Post-Office Department (and this section originated in a post-office appropriation bill) is the only department, aside from our own, which has promulgated regulations governing the admission of attorneys to practice. That department deals mainly with money demands against the United States, but also has for its consideration such cases as "fraud orders." I was informed that no construction has ever been given this section so far as is known. The impression in the Post-Office Department, as well as in every other department I visited, is that merely a money demand or claim is within the purview of this section.

I was informed by the Solicitor of the Treasury that the Department of Justice has no matters which involve this belief.

In addition to authorities cited in Mr. Finney's brief, I desire to call attention to the case of *The United States v. Jones* (131 U. S., 1). That was a bill in equity to compel the issue and delivery of a patent for public land. The plaintiffs sought to induce a circuit court of the United States to believe it had jurisdiction on account of the act of March 3, 1897. The first section of this act conferred jurisdiction on the Court of Claims over all claims in respect to which the party would be entitled to redress against the United States if the United States were suable; and the second section conferred concurrent jurisdiction upon district courts of the United States as to all matters named in the first section where the amount of the claim does not exceed \$1,000, etc. Counsel argued that the claim for the conveyance of public land was a claim upon a contract with the United States in respect to which the petitioner would be

entitled to redress if the Government were suable, and that no claim can be imagined which falls more completely within the class described in the act over which jurisdiction is conferred upon the courts therein named. The Supreme Court answered this argument in the negative, holding that claim under this statute meant a money claim.

C. E. WRIGHT.

This last case has many points in common with our question.

G. W. W.

FEBRUARY 26, 1909.

HONORABLE COMMISSIONERS The department, in construing section 190, Revised Statutes, has held in cases reported (17 L. D., 216, and 33 L. D., 137), that the phrase, "claim against the United States," means money demanded, and has no relation to the prosecution of what are commonly designated as claims by the Land Department where parties are seeking title to public lands.

In considering the subject, I think section 3477, Revised Statutes, must also be construed in connection with Revised Statutes 190. The United States district court, district of Oregon, in the case of *Dowell v. Cardwell et al.* (4 Sawyer, 217-231), said, speaking of section 3477:

"In my judgment a claim upon the United States is something in the nature of a demand for damages arising out of some alleged act or omission by the Government not yet provided for or acknowledged by law. As the term imports, it is something asked for or demanded on the one hand and not admitted or allowed on the other \* \* \*. When the demand is admitted, authorized, or provided for by law, it is not a mere claim, but a debt. It no longer rests in mere clamor or petition, but is something due upon which an action may be maintained."

In the case of *United States v. Gilliss* (95 U. S., 407), construing the act of February 26, 1853, afterwards included in section 3477, the court said:

"We think, therefore, the act of 1853 is of universal application and covers all claims against the United States in every tribunal in which they may be asserted."

4103 It is not believed, however, that the court intended this construction to include land claims or any other than money claims against the United States, and this view is directly supported by the opinion of the Supreme Court in the case of *Hobbs v. McLean* (117 U. S., 567), where the court, in discussing 3477, said:

"What is a claim against the United States is well understood. It is a right to demand money from the United States."

Sections 190 and 3477 contain almost identical language:

190. "Any claim against the United States."

3477. "Any claim upon the United States."

Considering this language in the light of the construction given it in the cases cited, especially that of *Hobbs v. McLean*, supra, I am convinced that it has no reference to other than money claims against the United States, and that it has no reference to the matter of applications and entries for public lands pending before this department.

In this connection I direct attention to the line of decisions, among them *Campbell v. Wade* (132 U. S., 34), which hold that a preemption settler does not by occupation and improvement acquire any right which will prevent Congress from withdrawing the land from sale; and to another line of decisions, that of *Wisconsin Central Railroad Company v. Price County* (133 U. S., 496), to the effect that after public lands have been entered and a final certificate procured after full compliance with the law and payment, if any be required, the public lands entered become private property, the United States thereafter holding the naked legal fee in trust for the purchaser. No money claim against the United States is or can be acquired by the settlement upon or entry of public lands. The right to obtain title to public lands is in the nature of a grant or gift from the Government to the claimant, and is not primarily based upon his right to that piece or any other piece of public land. It is true that when land is disposed of and the entryman complies with all conditions and formalities required he becomes entitled to a patent; but, as above indicated, the patent is simply evidence of the grant (3 Howard, 650; 178 U. S., 205).

Very respectfully,

FINNEY, *Law Clerk.*

RPF.

**LAWs AND REGULATIONS GOVERNING THE RECOGNITION OF AGENTS, ATTORNEYS, AND OTHER PERSONS TO REPRESENT CLAIMANTS BEFORE THE DEPARTMENT OF THE INTERIOR AND THE BUREAUS THEREOF.**

**LAWs.**

The following statutes relate to the recognition of attorneys and agents for claimants before this department:

"That the Secretary of the Interior may prescribe rules and regulations governing the recognition of agents, attorneys, or other persons representing claimants before this department, and may require of such persons, agents, or attorneys, before being recognized as representatives of claimants, that they shall show that they are of good moral character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service, and otherwise competent to advise and assist such claimants in the presentation of their claims; and such Secretary may, after notice and opportunity for a hearing, suspend or exclude from further practice before his department any such person, agent, or attorney shown to be incompetent, disreputable, or who refuses to comply with the said rules and regulations, or who shall with intent to defraud, in any manner deceive, mislead, or threaten any claimant or prospective claimant, by word, circular, letter, or by advertisement." (Act July 4, 1884, sec. 5; Stats., vol. 23, p. 101.)

"Every officer of the United States, or person holding any place of trust or profit or discharging any official function under, or in connection with, any executive department of the Government of the United States, or under the Senate or House of Representatives of the United States, who acts as an agent or attorney for prosecuting any claim against the United States, or in any manner, or by any means, otherwise than in the discharge of his proper official duties, aids or assists in the prosecution or support of any such claim, or receives any gratuity, or any share of or interest in any claim from any claimant against the United States, with intent to aid or assist, or in consideration of having aided or assisted, in the prosecution of such claim, shall pay a fine of not more than five thousand dollars, or suffer imprisonment not more than one year, or both." (Section 5498, Revised Statutes.)

4104 "It shall not be lawful for any person appointed after the first day of June, one thousand eight hundred and seventy-two, as an officer, clerk, or employee in any of the departments, to act as counsel, attorney, or agent for prosecuting any claim against the United States, which was pending in either of said departments while he was such officer, clerk, or employee, nor in any manner, nor by any means, to aid in the prosecution of any such claim within two years next after he shall have ceased to be such officer, clerk, or employee." (Section 190, Revised Statutes.)

"Any person prosecuting claims, either as attorney or on his own account, before any of the departments or bureaus of the United States, shall be required to take the oath of allegiance and to support the Constitution of the United States, as required of persons in the civil service." (Section 3478, Revised Statutes.)

"The oath provided for in the preceding section may be taken before any justice of the peace, notary public, or any person who is legally authorized to administer an oath in the State or district where the same may be administered." (Section 3479, Revised Statutes.)

The act of May 13, 1884 (Stats., vol. 23, p. 22), provides that the oath above required shall be that prescribed by section 1757, Revised Statutes, which is as follows:

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

**REGULATIONS.**

1. Under the authority conferred on the Secretary of the Interior by the fifth section of the act of July 4, 1884, it is hereby prescribed that an attorney at law who desires to represent claimants before the department or one of its bureaus

shall file a certificate of the clerk of the United States, State, or Territorial court, duly authenticated under the seal of the court, that he is an attorney in good standing.

2. Any person (not an attorney at law) who desires to appear as agent for claimants before the department or one of its bureaus must file a certificate from a judge of a United States, State, or Territorial court, duly authenticated under the seal of the court, that such person is of good moral character and in good repute, possessed of the necessary qualifications to enable him to render claimants valuable service, and otherwise competent to advise and assist them in the presentation of their claims.

3. The Secretary may demand additional proof or qualifications, and reserves the right to decline to recognize any attorney, agent, or other person applying to represent claimants under this rule.

4. The oath of allegiance required by section 3478 of the United States Revised Statutes must also be filed.

5. In the case of a firm the names of the individuals composing the firm must be given, and a certificate and oath as to each member of the firm will be required.

6. Unless specially called for, the certificate above referred to will not be required of any attorney or agent heretofore recognized and now in good standing before the department.

7. An applicant for admission to practice under the above regulations must address a letter to the Secretary of the Interior, inclosing the certificate and oath above required, in which letter his full name and post-office address must be given. He must state whether or not he has ever been recognized as attorney or agent before this department or any bureau thereof, and, if so, whether he has ever been suspended or disbarred from practice. He must also state whether he holds any office of trust or profit under the Government of the United States.

8. No person who has been an officer, clerk, or employee of this department within two years prior to his application to appear in any case pending herein shall be recognized or permitted to appear as an attorney or agent in any such case as shall have been pending in the department at or before the date he left the service: *Provided*, This rule shall not apply to officers, clerks, or employees of the Patent Office nor to cases therein.

9. Whenever an attorney or agent is charged with improper practices in connection with any matter before a bureau of this department, the head of such bureau shall investigate the charge, giving the attorney or agent due notice, together with a statement of the charge against him, and allow him an opportunity to be heard in the premises. When the investigation shall have been concluded all the papers shall be forwarded to the department with a statement of the facts and such recommendations as to disbarment from practice as the head of the bureau may deem proper, for the consideration of the Secretary of 4105 the Interior. During the investigation the attorney or agent will be recognized as such, unless for special reasons the Secretary shall order his suspension from practice.

10. If any attorney or agent in good standing before the department shall knowingly employ as subagent or correspondent a person who has been prohibited from practice before the department, it will be sufficient reason for the disbarment of the former from practice.

11. Upon the disbarment of an attorney or agent notice thereof will be given to the heads of bureaus of this department and to the other executive departments, and thereafter, until otherwise ordered, such disbarred person will not be recognized as attorney or agent in any claim or other matter before this department or any bureau thereof.

E. A. HITCHCOCK, *Secretary*.

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#### DEPARTMENT OF THE INTERIOR.

MR. SECRETARY: I believe the question of practicing within two years after leaving department should be left as it stands. Each attorney will be a law unto himself anyway. A new promulgation would hurt only the honest attorney. It is proper under present rules to disbar for improper use of knowledge gained as an employee. If Mr. Pierce doesn't feel too strongly, I advise dropping the matter.

G. W. W

Correspondence between F. C. Perkins and Secretary Garfield regarding right of former employee to practice before Interior Department.

4632

DURANGO, COLO., November 23, 1908.

HON. SECRETARY OF THE INTERIOR,  
Washington, D. C.

SIR: Paragraph 8, page 26, of the Rules of Practice provides as follows: "No person who has been an officer, clerk, or employee of this department within two years prior to his application to appear in any case pending herein shall be recognized or permitted to appear as an attorney or agent in any case as shall have been pending in the department at or before the date he left the service."

On July 1, 1908, I left the service of the United States, having for nine years and three months prior to that date served as register of the United States land office at Durango. The question has arisen in my mind as to the interpretation of the above regulation, and I write to you for information. Does the phrase "case pending herein" refer to cases pending before the Secretary and commissioner only, or does it also include cases pending before the register and receiver? Does the inhibition apply to cases brought subsequent to July 1, 1908, where the entries themselves were made prior to that date, but no contest or other proceedings were initiated until after I left the office? As I understand the rule, the inhibition applies only to those contests or other proceedings initiated during my term of office, regardless of the time when the entries were made, but I would like to have the ruling of your office on the subject. Does the term "department" include the local land office? It is often used as applied to the office of the Secretary only, but possibly it has a broader significance in the rule cited. Thanking you in advance for the information,

Yours, very respectfully,

F. C. PERKINS.

DEPARTMENT OF THE INTERIOR,  
Washington, January 9, 1909.

MR. FREDERICK C. PERKINS,  
Durango, Colo.

DEAR SIR: I have delayed answer to your letter of November 23 in order that the question raised by you concerning the right of ex-employees to act as attorneys before this department in a certain class of cases within two years of resignation might be determined definitely and a general rule made if necessary. I expect to reach a conclusion in this matter before February 1 at the latest. In the meantime, each attorney or agent entitled to practice before this department must do what his judgment and conscience prompts in the light of the law on this subject.

Very respectfully,

JAMES RUDOLPH GARFIELD,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
Washington, February 16, 1909.

MR. FREDERICK C. PERKINS,  
Durango, Colo.

DEAR SIR: The question raised in your letter of November 23 has been under consideration in the department before and since that date. The present ruling of this department on section 190 of the Revised Statutes is that the word "claim" contained in that section refers to money claims as opposed to general cases. I am doubtful about that ruling, and am seriously considering a change. Until such change is made, however, those practicing before the department will be held accountable in cases other than those involving money claims, only that they shall strictly refrain from making any improper use of knowledge obtained while they were employed by the Government.

Very respectfully,

JAMES RUDOLPH GARFIELD,  
Secretary.

Papers regarding relations of Mr. Ballinger with Wapato Irrigation Company.

4094

DEPARTMENT OF THE INTERIOR,  
Washington, September 17, 1908.

DEAR MR. LEUPP: I have received the following memorandum from the Secretary:

"Mr. Ballinger will be in Washington to see the Indian Office about the selling of certain land of the Wapato Indians on Lake Chelan, Washington. Please have the Indian Com. look up the case—the letter of Ind. Office to Mr. Nechain (?) of July 14, 1908—No. Land 37704-1908, 43434-1908, J. H. K., gives the last action. Mr. Ballinger represents the Wapato Irrigation Co., and wishes to know whether the dept. intends to make a sale as proposed—if not, why—and whether Hill's report of value is the cause. Mr. B. has personally visited the lands and wishes to show that the proposed price, \$20-\$25 per acre, is sufficient. He will be in New York—the Manhattan Hotel—and wishes to return West as soon as possible. Let him know what is to be done and also advise me. He will go to Washington if necessary. I do not recall the case ever being before me."

Will you kindly communicate directly with Mr. Ballinger and with the Secretary regarding this matter?

Very truly, yours,

HUGH A. BROWN,  
Private Secretary.

Hon. F. E. LEUPP,  
Commissioner of Indian Affairs.

OCTOBER 20, 1908.

MY DEAR JIM: I acknowledge receipt of your letter of the 11th instant.

You will recall my taking up with you the question of securing a disposition of the lands within the allotment lines of the Wapato Indian Reservation under a method of sale whereby the Wapato Irrigation Company could have an opportunity to bid. It was deemed necessary by you, after examining the report of the Indian Office, that a further report be made and certain subdivision surveys executed, etc., and as I recollect it, you suggested the name of a suitable inspector to do this work. My recollection is that the name you gave was McAllister. I would appreciate very much early action in this matter and that any further inspection and reports should be sufficiently broad and conclusive, so that an early disposition of the lands can be made. The Wapato Irrigation Company have already a large investment in the matter of water rights and development thereof, and are anxious to make progress in case it is possible to secure a portion of the lands for irrigation purposes. I would like to be advised of the appointment of the Inspector or agent and given an opportunity to meet him upon the ground.

Your early attention to this matter will be greatly appreciated.

Regarding the political situation on the coast, I am pleased to advise you that it is highly encouraging. Oregon, California, Washington, Idaho, Utah, and Wyoming, seem to me to be absolutely safe. I visited Oregon recently and satisfied myself that Taft would get a plurality of from ten to twenty thousand. Washington will give a plurality of from thirty to fifty thousand. I hope the situation is improving in the East and that there will be no special difficulty in the old-line Republican States.

With very best regards, I remain,

Yours, sincerely,

R. A. BALLINGER.

HON. JAMES R. GARFIELD,  
Washington, D. C.

4095 [The Western Union Telegraph Company. 24,000 offices in America. Cable service to all the world. Received at 113 Cherry Street, Seattle, Washington. 30 ch m5 n 22 Paid Govt.]

WASHINGTON, D. C., Dec. 2, 08.

R. A. BALLINGER,  
Alaska Bldg., Seattle, Wn.:

Inspector can not be instructed to persuade Indians for or against proposition. Have written.

907a

GARFIELD, Secy.

4094

DECEMBER 2, 1908.

DEAR MR. BALLINGER: I have to-day telegraphed you as follows:

"Inspector can not be instructed to persuade Indians for or against proposition. Have written."

The Inspector, Mr. Dalby, has been instructed to go very carefully into all the facts connected with the Chelan matter and to explain fully to the Indians what their property rights and values are. It would not be proper to attempt to persuade them one way or the other. When the facts are presented, they must decide for themselves what they wish to do.

Sincerely, yours,

JAMES RUDOLPH GARFIELD,  
*Secretary.*

Mr. R. A. BALLINGER,  
*Alaska Building, Seattle, Wash.*

4095

[Telegram.]

DEPARTMENT OF THE INTERIOR,  
*July 23, 1909.*

To Hon. R. A. BALLINGER,  
*Secretary of the Interior, Boise, Idaho:*

After careful consideration am of opinion that bond or certified check for not less than fifty thousand should be required of Wapato Irrigation Company.

FRANK PIERCE,  
*Acting Secretary.*

Papers regarding relations of Mr. Ballinger with W. D. Bales case.

3632

DEPARTMENT OF THE INTERIOR,  
OFFICE OF FIRST ASSISTANT SECRETARY,  
*Washington, November 4, 1908.*

MY DEAR DICK: On the 2nd instant the department received a brief in the case of William D. Bales, signed by yourself and Jack, and also the appearance of both of you in the case as attorneys for Mr. Bales. The case has just been reached for consideration and my attention has been directed to section 190 of the Revised Statutes of the United States and circular issued by the Secretary of the Interior interpreting this section of the statute. Enclosed please find circular. I also return the brief and the appearances of yourself and Jack. I have called the Secretary's attention to this case and we both think that you should withdraw the appearance of yourself and Jack and also the brief. I have directed that the case be not considered until we hear from you again. Perhaps you will find it advisable to have some other counsel sign the brief and also the appearance.

Very cordially, yours,

FRANK PIERCE.

Hon. R. A. BALLINGER,  
*302 Alaska Building, Seattle, Wash.*

3633 *Laws and regulations governing the recognition of agents, attorneys, and other persons to represent claimants before the Department of the Interior and the bureaus thereof.*

#### LAWS.

The following statutes relate to the recognition of attorneys and agents for claimants before this department:

"That the Secretary of the Interior may prescribe rules and regulations governing the recognition of agents, attorneys, or other persons representing claimants before this department, and may require of such persons, agents, or attorneys, before being recognized as representatives of claimants, that they shall show that they are of good moral character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service, and otherwise competent to advise and assist such claimants in the presentation of their claims; and such Secretary may, after notice and opportunity for a hearing, suspend or exclude from further practice before his de-



putment any such person, agent, or attorney shown to be incompetent, disreputable, or who refuses to comply with the said rules and regulations, or who shall with intent to defraud, in any manner deceive, mislead, or threaten any claimant or prospective claimant, by word, circular, letter, or by advertisement." (Act July 4, 1884, sec. 5; Stats., vol. 23, p. 101.)

"Every officer of the United States, or person holding any place of trust or profit, or discharging any official function under, or in connection with, any executive department of the Government of the United States, or under the Senate or House of Representatives of the United States, who acts as an agent or attorney for prosecuting any claim against the United States, or in any manner, or by any means, otherwise than in the discharge of his proper official duties, aids or assists in the prosecution or support of any such claim, or receives any gratuity, or any share of or interest in any claim from any claimant against the United States, with intent to aid or assist, or in consideration of having aided or assisted, in the prosecution of such claim, shall pay a fine of not more than five thousand dollars, or suffer imprisonment not more than one year, or both." (Section 5498, Revised Statutes.)

"It shall not be lawful for any person appointed after the first day of June, one thousand eight hundred and seventy-two, as an officer, clerk, or employee in any of the departments, to act as counsel, attorney, or agent for prosecuting any claim against the United States, which was pending in either of said departments, while he was such officer, clerk, or employee, nor in any manner, nor by any means, to aid in the prosecution of any such claim, within two years next after he shall have ceased to be such officer, clerk, or employee." (Section 100, Revised Statutes.)

"Any person prosecuting claims, either as attorney or on his own account, before any of the departments or bureaus of the United States, shall be required to take the oath of allegiance, and to support the Constitution of the United States as required of persons in the civil service." (Section 3478, Revised Statutes.)

"The oath provided for in the preceding section may be taken before any justice of the peace, notary public, or any person who is legally authorized to administer an oath in the State or district where the same may be administered." (Section 3479, Revised Statutes.)

The act of May 13, 1884 (Stats., vol. 23, p. 22), provides that the oath above required shall be that prescribed by section 1757, Revised Statutes, which is as follows:

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

#### REGULATIONS.

1. Under the authority conferred on the Secretary of the Interior by the fifth section of the act of July 4, 1884, it is hereby prescribed that an attorney at law who desires to represent claimants before the department or one of its bureaus shall file a certificate of the clerk of the United States, state, or territorial court, duly authenticated under the seal of the court, that he is an attorney *in good standing*.

2. Any person (not an attorney at law) who desires to appear as agent for claimants before the department or one of its bureaus must file a *certificate from a judge of a United States, state, or territorial court, duly authenticated under the seal of the court*, that such person is of good moral character and in good repute, possessed of the necessary qualifications to enable him to render claimants valuable service, and otherwise competent to advise and assist them in the presentation of their claims.

3634 3. The Secretary may demand additional proof of qualifications, and reserves the right to decline to recognize any attorney, agent, or other person applying to represent claimants under this rule.

4. The oath of allegiance required by section 3478 of the United States Revised Statutes must also be filed.

5. In the case of a firm the names of the individuals composing the firm must be given, and a certificate and oath as to each member of the firm will be required.

6. Unless specially called for, the certificate above referred to will not be required of any attorney or agent heretofore recognized and now in good standing before the department.

7. An applicant for admission to practice under the above regulations must address a letter to the Secretary of the Interior, inclosing the certificate and oath above required, in which letter his full name and post-office address must be given. He must state whether or not he has ever been recognized as attorney or agent before this department or any bureau thereof, and, if so, whether he has ever been suspended or disbarred from practice. *He must also state whether he holds any office of trust or profit under the Government of the United States.*

8. No person who has been an officer, clerk, or employee of this department within two years prior to his application to appear in any case pending herein shall be recognized or permitted to appear as an attorney or agent in any such case as shall have been pending in the department at or before the date he left the service: *Provided*, This rule shall not apply to officers, clerks, or employees of the Patent Office nor to cases therein.

9. Whenever an attorney or agent is charged with improper practices in connection with any matter before a bureau of this department, the head of such bureau shall investigate the charge, giving the attorney or agent due notice, together with a statement of the charge against him, and allow him an opportunity to be heard in the premises. When the investigation shall have been concluded, all the papers shall be forwarded to the department, with a statement of the facts and such recommendations as to disbarment from practice as the head of the bureau may deem proper, for the consideration of the Secretary of the Interior. During the investigation the attorney or agent will be recognized as such, unless for special reasons the Secretary shall order his suspension from practice.

10. If any attorney or agent in good standing before the department shall knowingly employ as subagent or correspondent a person who has been prohibited from practice before the department, it will be sufficient reason for the disbarment of the former from practice.

11. Upon the disbarment of an attorney or agent notice thereof will be given to the heads of bureaus of this department and to the other executive departments, and thereafter, until otherwise ordered, such disbarred person will not be recognized as attorney or agent in any claim or other matter before this department or any bureau thereof.

E. A. HITCHCOCK, *Secretary.*

3634

NOVEMBER 9, 1908.

HONORABLE SECRETARY OF THE INTERIOR,  
*Washington, D. C.*

SIR: We herewith withdraw our appearance and brief as heretofore filed in the case of William D. Bales, now pending on appeal before your department, and so notify you that our connection with said case as counsel or otherwise has entirely terminated.

Respectfully,

R. A. BALLINGER.  
J. H. BALLINGER.

4095

NOVEMBER 9, 1908.

HON. FRANK PIERCE,  
*First Assistant Secretary Interior Department,*  
*Washington, D. C.*

MY DEAR MR. PIERCE: Judge Ballinger and myself are to-day in receipt of your letter of the 4th instant relative to the withdrawal of our appearance and brief in the William D. Bales case, as heretofore filed. I thank you very much for your suggestion, and also your calling our attention to section 8 of the regulations, which prohibits former officers, clerks, or employees of the Interior Department from appearing as attorneys or agents in any cases pending at the time they left the service. This provision was entirely overlooked by both of us in appearing as associate counsel in the case above referred to, and I am

inclosing with this letter our formal withdrawal as associate counsel in said case.

4006 In further explanation I wish to say that at the time we were requested to appear as counsel in this case the papers were referred to me by the judge, who gave the matter little attention, as it has been his policy to avoid any business of a public land nature, so far as possible, since his resumption of business in Seattle. Therefore, our oversight in this matter was entirely due to myself.

Very cordially, yours,

J. H. BALLINGER.

NOVEMBER 10, 1908.

HON. FRANK PIERCE,  
Assistant Secretary Interior Department,  
Washington, D. C.

MY DEAR MR. PIERCE: Yesterday I wrote you, in view of suggestion as made in letter of the 4th instant addressed to Judge Ballinger, to withdraw the appearance of myself and Judge Ballinger, also our brief as filed, in the Wm. D. Bales case. At that time I was unfamiliar with the decision of your department as decided in *Yeates v. Prince* (33 L. D. 137).

If in view of said decision you think it *not improper* for me to appear, should like the inclosed brief and appearance to be considered with the record of said case, otherwise treat my letter of the 9th instant wherein Judge Ballinger and myself withdraw as associate counsel, as final. You will note that Judge Ballinger has withdrawn as counsel or otherwise from said case, the reason being that he has avoided all "land business" so far as possible since resuming business here and his connection with this case has only been as advisory to myself.

This case is quite important to me personally, as other business pertaining to "land law" hinges upon my ability to appear at the present time. However, it is not my intention to in any way violate any rule or regulation of the department and as before mentioned, if it is considered improper for my appearance to be noted, I wish my withdrawal to be considered as final.

I inclose herewith authorization for my appearance and brief to be filed if my appearance is allowed, otherwise kindly return same.

It will be much appreciated if you will wire me as to the decision reached.

With best wishes to yourself and Mrs. Pierce, believe me to remain,

Cordially, yours,

J. H. BALLINGER.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF FIRST ASSISTANT SECRETARY,  
Washington, November 17, 1908.

Mr. J. H. BALLINGER,  
302 Alaska Building, Seattle, Wash.

MY DEAR MR. BALLINGER: I have your letter of the 10th instant, resubmitting your appearance and brief in the case of W. D. Bales, homestead entry No. 14383, within the former Siletz Indian Reservation. The matter will receive careful attention, and in a short time you will be advised whether or not you will be permitted to appear in the case. Such an appearance seems to be contrary to the regulations of the department prohibiting ex-employees from engaging for a period of two years in cases pending at the time of the severance of their connection with the government service.

Very respectfully, yours,

FRANK PIERCE,  
First Assistant Secretary.

4007 FORCE & BALLINGER, ATTORNEYS-AT-LAW,  
302 Alaska Building, Seattle, December 10, 1908.

HON. FRANK PIERCE,  
First Assistant Secretary, Interior Department,  
Washington, D. C.

MY DEAR MR. PIERCE: Under date of November 17 last, you notified me that the matter of my appearance and brief in the W. D. Bales case, No. 14383,

would receive careful attention and in a short time I would be advised as to the conclusions reached.

I apologize for bringing this matter to your attention again, but as other important business is depending upon your decision, I desire if possible that I be advised of same as soon as convenient. I wish to say that the cases in which I have been asked to appear had never been heard of by me till some time after the date of my resignation, and for me to lose the benefit of this business would be quite a hardship.

Respectfully,

J. H. BALLINGER.

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WASHINGTON, D. C., *January 5, 1909.*

J. H. BALLINGER,  
302 Alaska Building, Seattle, Wash.:

Department has not yet formulated rules concerning practice employees for two years after employment. Old practice still in force, and no retroactive rule will be established.

FRANK PIERCE, *First Assistant Secretary.*

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DEPARTMENT OF THE INTERIOR,  
*Washington, January 9, 1909.*

Mr. J. H. BALLINGER,  
302 Alaska Building, Seattle, Wash.

DEAR SIR: Answer to your inquiries concerning the right of ex-employees to act as attorneys in cases before this department within two years after leaving the service has been delayed in order that the question raised by you might be decided as a broad proposition. It is necessary that all employees should be treated alike in this matter after resignation. I expect to reach a conclusion and, if it is necessary to change the present rule, make a definite announcement within the next two weeks.

Very truly, yours,

JAMES RUDOLPH GARFIELD, *Secretary.*

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#### 4524 Rules of Practice in Cases Before the United States District Land Offices, the General Land Office, and the Department of the Interior.

[Revised edition. Approved July 15, 1901. Reprint March, 1906.]

##### I. PROCEEDINGS BEFORE REGISTERS AND RECEIVERS.

###### 1.—Initiation of contests.

RULE 1.—Contests may be initiated by an adverse party or other person against a party to any entry, filing, or other claim under laws of Congress relating to the public lands, for any sufficient cause affecting the legality or validity of the claim.

RULE 2.—In every case of application for a hearing an affidavit must be filed by the contestant with the register and receiver, fully setting forth the facts which constitute the grounds of contest. When the contest is against the heirs of a deceased entryman, the affidavit shall state the names of all the heirs. If the heirs are nonresident or unknown, the affidavit shall set forth the fact and be corroborated with respect thereto by the affidavit of one or more persons.

RULE 3.—Where an entry has been allowed and remains of record the affidavit of the contestant must be accompanied by the affidavits of one or more witnesses in support of the allegations made.

###### 2.—Hearings in contested cases.

RULE 4.—Registers and receivers may order hearings in all cases wherein entry has not been perfected and no certificate has been issued as a basis for patent.

RULE 5.—In case of an entry or location on which final certificate has been issued the hearing will be ordered only by direction of the Commissioner of the General Land Office.

**RULE 6.**—Applications for hearings under Rule 5 must be transmitted by the register and receiver, with special report and recommendation, to the commissioner for his determination and instructions.

### 3.—*Notice of contest.*

**RULE 7.**—At least thirty days' notice shall be given of all hearings before the register and receiver unless by written consent an earlier day shall be agreed upon.

**RULE 8.**—The notice of contest and hearing must conform to the following requirements:

1. It must be written or printed.
2. It must be signed by the register and receiver, or by one of them.
3. It must state the time and place of hearing.
4. It must describe the land involved.
- 4525 5. It must state the register and receiver's number of the entry and the land office where and the date when made, and the name of the party making the same.
6. It must give the name of the contestant and briefly state the grounds and purpose of the contest.
7. It may contain any other information pertinent to the contest.

### HOW TRANSFEREES AND ENCUMBRANCERS MAY ENTITLE THEMSELVES TO NOTICE OF CONTEST OR OTHER PROCEEDINGS.

**RULE 8½.**—Transferees and encumbrancers of land, the title to which is claimed or is in process of acquisition under any public-land law, shall, upon filing notice of the transfer or encumbrance in the district land office, become entitled to receive and be given the same notice of any contest or other proceeding thereafter had affecting such land which is required to be given the original claimant. Every such notice of a transfer or encumbrance must be forthwith noted upon the records of the district land office, and be promptly reported to the General Land Office, where like notation thereof will be made.

### 4.—*Service of notice.*

**RULE 9.**—Personal service shall be made in all cases when possible if the party to be served is resident in the State or Territory in which the land is situated, and shall consist in the delivery of a copy of the notice to each person to be served. When the contest is against the heirs of a deceased entryman, the notice shall be served on each heir. If the heirs of the entryman are nonresident or unknown, notice may be served upon them by publication as hereinafter provided. If the person to be personally served is an infant under fourteen years of age or a person who has been legally adjudged of unsound mind, service of notice shall be made by delivering a copy of the notice to the statutory guardian or committee of such infant or person of unsound mind, if there be one; if there be none, then by delivering a copy of the notice to the person having the infant or person of unsound mind in charge.

**RULE 10.**—Personal service may be executed by any officer or person.

**RULE 11.**—Notice may be given by publication only when it is shown by affidavit presented on behalf of the contestant and by such other evidence as the register and receiver may require that due diligence has been used and that personal service can not be made. The affidavit must also state the present post-office address of the person intended to be served, if it is known to the affiant, and must show what effort has been made to obtain personal service.

**RULE 12.**—When it is found that the prescribed service can not be had, either personal or by publication, in time for the hearing provided for in the notice, the notice may be returned prior to the time fixed for the hearing, and a new notice issued fixing another time of hearing, for the proper service thereof, an affidavit being filed by the contestant showing due diligence and inability to serve the notice in time.

### 5.—*Notice by publication.*

**RULE 13.**—Notice by publication shall be made by advertising the notice at least once a week for four successive weeks in some newspaper published in the county wherein the land in contest lies; and if no newspaper be published in such county, then in the newspaper published in the county nearest to such

land. The first insertion shall be at least thirty days prior to the day fixed for the hearing.

**RULE 14.**—Where notice is given by publication a copy thereof shall, at least thirty days before the date for the hearing, be mailed, by registered letter, to each person to be so notified at the last address, if any, given by him as shown by the record, and to him at his present address named in the affidavit for publication required by rule 11, if such present address is stated in such affidavit and is different from his record address. If there be no such record address and if no present address is named in the affidavit for publication, then a copy of the notice shall be so mailed to him at the post-office nearest to the land. A copy of the notice shall also be posted in the register's office for a period of at least thirty days before the date for the hearing and still another copy thereof shall be posted in a conspicuous place upon the land for at least two weeks prior to the date set for the hearing. When notice of proceedings commenced by the Government against timber and stone entries is given by publication the posting of notices upon the land will not be required.

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#### 6.—*Proof of service of notice.*

**RULE 15.**—Proof of personal service shall be the written acknowledgment of the person served or the affidavit of the person who served the notice attached thereto, stating the time, place, and manner of service.

**RULE 16.**—When service is by publication, the proof of service shall be a copy of the advertisement, with the affidavit of the publisher or foreman attached thereto, showing that the same was successively inserted the requisite number of times, and the date thereof.

#### 7.—*Notice of proceedings.*

**RULE 17.**—Notice of motions, proceedings, orders, and decisions shall be in writing, and may be served personally or by registered letter mailed to the last address, if any, given by or on behalf of the party to be notified, as shown by the record, and if there be no such record address, then to the post-office nearest to the land; and in all those contest cases where notice of contest is given by registered mail under Rule 14, and the return of the registry receipt shows such notice to have been received by the contestee, the address at which the notice was so received shall be considered as an address given by the contestee, within the meaning of this rule. (See Rule 8.)

**RULE 18.**—Proof of service by mail shall be the affidavit of the person who mailed the notice, attached to the post-office receipt for the registered letter.

#### 8.—*Rehearings.*

**RULE 19.**—Orders for rehearing must be brought to the notice of the parties in the same manner as in case of original proceedings.

#### 9.—*Continuances.*

**RULE 20.**—A postponement of a hearing to a day to be fixed by the register and receiver may be allowed on the day of trial on account of the absence of material witnesses, when the party asking for the continuance makes an affidavit before the register and receiver showing—

1. That one or more of the witnesses in his behalf is absent without his procurement or consent;
2. The name and residence of each witness;
3. The facts to which they would testify if present;
4. The materiality of the evidence;
5. The exercise of proper diligence to procure the attendance of the absent witnesses; and
6. That affiant believes said witnesses can be had at the time to which it is sought to have the trial postponed.

Where hearings are ordered by the Commissioner of the General Land Office in cases to which the United States is a party, continuances will be granted in accordance with the usual practice in United States cases in the courts, without requiring an affidavit on the part of the Government.

**RULE 21.**—One continuance only shall be allowed to either party on account of absent witnesses, unless the party applying for a further continuance shall at

the same time apply for an order to take the depositions of the alleged absent witnesses.

**RULE 22.**—No continuance shall be granted when the opposite party shall admit that the witnesses would, if present, testify to the statement set out in the application for continuance.

#### 10.—*Depositions on interrogatories.*

**RULE 23.**—Testimony may be taken by deposition in the following cases:

1. Where the witness is unable, from age, infirmity, or sickness, or shall refuse, to attend the hearing at the local land office.

2. Where the witness resides more than fifty miles from the place of trial, computing distance by the usually traveled route.

3. Where the witness resides out of or is about to leave the State or Territory, or is absent therefrom.

4. Where from any cause it is apprehended that the witness may be unable or will refuse to attend, in which case the deposition will be used only in event that the personal attendance of the witness can not be obtained.

**RULE 24.**—The party desiring to take a deposition under Rule 23 must comply with the following regulations:

4527 1. He must make affidavit before the register or receiver, setting forth one or more of the above-named causes for taking such deposition, and that the witness is material.

2. He must file with the register and receiver the interrogatories to be propounded to the witness.

3. He must state the name and residence of the witness.

4. He must serve a copy of the interrogatories on the opposing party or his attorney.

**RULE 25.**—The opposing party will be allowed ten days in which to file cross-interrogatories.

**RULE 26.**—After the expiration of the ten days allowed for filing cross-interrogatories, a commission to take the deposition shall be issued by the register and receiver, which commission shall be accompanied by a copy of all the interrogatories filed.

**RULE 27.**—The register and receiver may designate any officer, authorized to administer oaths within the county or district where the witness resides, to take such deposition.

**RULE 28.**—It is the duty of the officer before whom the deposition is taken to cause the interrogatories appended to the commission to be written out and the answers thereto to be inserted immediately underneath the respective questions, and the whole, when completed, is to be read over to the witness, and must be by him subscribed and sworn to in the usual manner before the witness is discharged.

**RULE 29.**—The officer must attach his certificate to the deposition, stating that the same was subscribed and sworn to by the deponent at the time and place therein mentioned.

**RULE 30.**—The deposition and certificate, together with the commission and interrogatories, must then be sealed up, the title of the cause indorsed on the envelope, and the whole returned by mail or express to the register and receiver.

**RULE 31.**—Upon receipt of the package at the local land office, the date when the same is opened must be indorsed on the envelope and body of the deposition by the local land officers.

**RULE 32.**—If the officer designated to take the deposition has no official seal, a proper certificate of his official character, under seal, must accompany his return.

**RULE 33.**—The parties in any case may stipulate in writing to take depositions before any qualified officer, and in any manner.

**RULE 34.**—All stipulations by parties or counsel must be in writing, and be filed with the register and receiver.

#### 11.—*Oral testimony before officers other than registers and receivers.*

**RULE 35.**—In the discretion of registers and receivers testimony may be taken near the land in controversy before a United States commissioner, or other officer authorized to administer oaths, at a time and place to be fixed by them and stated in the notice of hearing.

2. Officers taking testimony under the foregoing rule will be governed by the rules applicable to trials before registers and receivers. (See Rules 36 to 42, inclusive.)

3. Testimony so taken must be certified to, sealed up, and transmitted by mail or express to the register and receiver, and the receipt thereof at the local office noted on the papers, in the same manner as provided in case of depositions by Rules 29 to 32, inclusive.

4. On the day set for hearing at the local office the register and receiver will examine the testimony taken by the officer designated, and render a decision thereon in the same manner as if the testimony had been taken before themselves. (See Rules 50 to 53, inclusive.)

5. No charge for examining testimony in such cases will be made by the register and receiver.

6. Officers designated to take testimony under this rule will be allowed to charge such fees as are properly authorized by the tariff of fees existing in the local courts of their respective districts, to be taxed in the same or equivalent manner as costs are taxed by registers and receivers under Rules 54 to 58, inclusive.

7. When an officer designated to take testimony under this rule, or when an officer designated to take depositions under Rule 27, can not act on the day fixed for taking the testimony or deposition, the testimony or deposition, as the case may be, will be deemed properly taken before any other qualified officer, at the same place and time, who may be authorized by the officer originally designated, or by agreement of parties, to act in the place of the officer first named.

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## 12.—*Trials.*

**RULE 36.**—Upon the trial of a cause, the register and receiver may in any case, and should in all cases when necessary, personally direct the examination of the witnesses, in order to draw from them all the facts within their knowledge requisite to a correct conclusion by the officers upon any point connected with the case.

**RULE 37.**—The register and receiver will be careful to reach, if possible, the exact condition and status of the land involved by any contest, and will ascertain all the facts having any bearing upon the rights of parties in interest.

**RULE 38.**—In preemption cases they will particularly ascertain the nature, extent, and value of alleged improvements; by whom made, and when the true date of the settlement of persons claiming; the steps taken to mark and secure the claim; and the exact status of the land at that date as shown upon the records of their office.

**RULE 39.**—In like manner, under the homestead and other laws, the conditions affecting the inception of the alleged right, as well as the subsequent acts of the respective claimants, must be fully and specifically examined.

**RULE 40.**—Due opportunity will be allowed opposing claimants to confront and cross-examine the witnesses introduced by either party.

**RULE 41.**—No testimony will be excluded from the record by the register and receiver on the ground of any objection thereto; but when objection is made to testimony offered, the exceptions will be noted, and the testimony, with the exceptions, will come up with the case for the consideration of the commissioner. Officers taking testimony will, however, summarily put a stop to obviously irrelevant questioning.

**RULE 42.**—Upon the day originally set for hearing, and upon any day to which the trial may be continued, the testimony of all the witnesses present shall be taken and reduced to writing. When testimony is taken in shorthand, the stenographer's notes must be written out and the written testimony then and there subscribed by the witness and attested by the officer before whom the same is taken, unless the parties shall by proper stipulation in writing, filed with the record, mutually agree to the contrary, in which event the transcribed stenographic notes shall in all cases be accompanied by a certificate of the officer or officers before whom the testimony was taken showing that the witnesses were each duly sworn before testifying, and also by the affidavit of the stenographer who took the testimony in shorthand that the purported transcription thereof is a true and correct statement of the testimony actually given by the witnesses after being duly sworn at the hearing.



13.—*Appeals.*

**RULE 43.**—Appeals from the final action or decisions of registers and receivers lie in every case to the Commissioner of the General Land Office. (Revised Statutes, sections 453, 2478.)

In cases dismissed for want of prosecution the register and receiver will by registered letter notify the parties in interest of the action taken, and that unless within thirty days a motion for reinstatement shall be made, the default of the plaintiff will be final, and that no appeal will be allowed; which notice shall be given as provided in circular of October 28, 1886 (5 L. D., 204).

If such motion for reinstatement be made within the time limited, the local officers shall take action thereon, and grant or deny it, as they deem proper. If granted, no appeal shall lie. If overruled, the plaintiff shall have the right of appeal, the time for which shall be thirty days, and run from the date of written notice to the plaintiff.

**RULE 44.**—After hearing in a contest case has been had and closed, the register and receiver will, in writing, notify the parties in interest of the conclusions to which they have arrived, and that thirty days are allowed for appeal from their decision to the commissioner, the notice to be served personally or by registered letter, as provided in Rule 17. (See Rule 8½.)

**RULE 45.**—The appeal must be in writing or in print, and should set forth in brief and clear terms the specific points of exception to the ruling appealed from.

**RULE 46.**—Notice of appeal and copy of specification of errors shall be served on appellee within the time allowed for appeal, and appellee shall be allowed ten days for reply before transmittal of the record to the General Land Office.

**RULE 47.**—No appeal from the action or decisions of the register and receiver will be received at the General Land Office unless forwarded through the local officers.

**RULE 48.**—In case of a failure to appeal from the decision of the local officers, their decision will be considered final as to the facts in the case and will be disturbed by the commissioner only as follows:

1. Where fraud or gross irregularity is suggested on the face of the papers.
2. Where the decision is contrary to existing laws or regulations.
3. In event of disagreeing decisions by the local officers.

4529 4. Where it is not shown that the party against whom the decision was rendered was duly notified of the decision and of his right of appeal.

**RULE 49.**—In any of the foregoing cases the commissioner will reverse or modify the decision of the local officers or remand the case, at his discretion.

**RULE 50.**—All documents once received by the local officers must be kept on file with the cases, and the date of filing must be noted thereon; and no papers will be allowed under any circumstances to be removed from the files or taken from the custody of the register and receiver, but access to the same, under proper rules, so as not to interfere with necessary public business, will be permitted to the parties in interest, or their attorneys, under the supervision of those officers.

14.—*Reports and opinions.*

**RULE 51.**—Upon the termination of a contest, the register and receiver will render a joint report and opinion in the case, making full and specific reference to the postings and annotations upon their records.

**RULE 52.**—The register and receiver will promptly forward their report, together with the testimony and all the papers in the case to the Commissioner of the General Land Office, with a brief letter of transmittal, describing the case by its title, the nature of the contest, and the tract involved.

**RULE 53.**—The local officers will thereafter take no further action affecting the disposal of the land in contest until instructed by the commissioner.

In all cases, however, where a contest has been brought against any entry or filing on the public lands, and trial has taken place, the entryman may, if he so desires, in accordance with the provisions of the law under which he claims and the rules of the department, submit final proof and complete the same, with the exception of the payment of the purchase money or commissions, as the case may be; said final proof will be retained in the local land office, and should the entry finally be adjudged valid, said final proof, if satisfactory, will be accepted upon the payment of the purchase money or commissions, and final certificate will issue, without any further action on the part of the entryman, except the

furnishing of a nonalienation affidavit by the entryman, or, in case of his death, by his legal representatives.

In such cases the party making the proof at the time of submitting the same will be required to pay the fees for reducing the testimony to writing.

#### 15.—*Taxation of costs.*

**RULE 54.**—Parties contesting preemption, homestead, or timber culture entries and claiming preference rights of entry under the second section of the act of May 14, 1880 (21 Stat., 140), must pay the costs of contest.

**RULE 55.**—In other contested cases each party must pay the costs of taking testimony upon his own direct and cross-examination.

**RULE 56.**—The accumulation of excessive costs under rule 54 will not be permitted; but when the officer taking testimony shall rule that a course of examination is irrelevant and checks the same, under rule 41, he may, nevertheless, in his discretion, allow the same to proceed at the sole cost of the party making such examination. This rule will apply also to cross-examination in contests covered by the provisions of rule 55.

**RULE 57.**—Where parties contesting preemption, homestead, or timber-culture entries establish their right of entry under the preemption or homestead laws of the land in contest by virtue of actual settlement and improvement, without reference to the act of May 14, 1880, the cost of contest will be adjudged under rule 55.

**RULE 58.**—Registers and receivers will apportion the cost of contest in accordance with the foregoing rules, and may require the party liable thereto to give security in advance of trial, by deposit or otherwise, in a reasonable sum or sums, for payment of the cost of transcribing the testimony.

**RULE 59.**—The cost of contest chargeable by registers and receivers are the legal fees for reducing testimony to writing. No other contest fees or costs will be allowed to or charged by those officers directly or indirectly.

**RULE 60.**—Contestants must give their own notices and pay the expenses thereof.

**RULE 61.**—Upon the termination of a trial, any excess in the sum deposited as security for the costs of transcribing the testimony will be returned to the proper party.

**RULE 62.**—When hearings are ordered by the commissioner or by the Secretary of the Interior upon the discovery of reasons for suspension in the usual course of examination of entries, the preliminary costs will be provided from the contingent fund for the expenses of local land offices.

**RULE 63.**—The preliminary costs provided for by the preceding section 4530 will be collected by the register and receiver when the parties are brought before them in obedience to the order of hearing.

**RULE 64.**—The register and receiver will then require proper provision to be made for such further notification as may become necessary in the usual progress of the case to final decision.

**RULE 65.**—The register and receiver will append to their report in each case a statement of costs and the amount actually paid by each of the contestants, and also a statement of the amount deposited to secure the payment of the costs, how said sum was apportioned, and the amount returned, if any, and to whom.

#### 16.—*Appeals from decisions rejecting applications to enter public lands.*

**RULE 66.**—For the purpose of enabling appeals to be taken from the rulings or action of the local officers relative to applications to file upon, enter, or locate the public lands, the following rules will be observed:

1. The register and receiver will indorse upon every rejected application the date when presented and their reasons for rejecting it.

2. They will promptly advise the party in interest of their action and of his right of appeal to the commissioner.

3. They will note upon their records a memorandum of the transaction.

**RULE 67.**—The party aggrieved will be allowed thirty days from receipt of notice in which to file his appeal in the local land office. Where the notice is sent by mail, five days additional will be allowed for the transmission of notice and five for the return of the appeal.

**RULE 68.**—The register and receiver will promptly forward the appeal to the General Land Office, together with a full report upon the case.

**RULE 69.**—This report should recite all the facts and the proceedings had, and must embrace the following particulars:

1. A statement of the application and rejection, with the reasons for the rejection.

2. A description of the tract involved and a statement of its status, as shown by the records of the local land office.

3. References to all entries, filings, annotations, memoranda, and correspondence shown by the record relating to said tract and to the proceedings had.

**RULE 70.**—Rules 43 to 48, inclusive, and Rule 93 are applicable to all appeals from decisions of registers and receivers.

## II. PROCEEDINGS BEFORE SURVEYORS-GENERAL.

**RULE 71.**—The proceedings in hearings and contests before surveyors-general shall, as to notices, depositions, and other matters, be governed as nearly as may be by the rules prescribed for proceedings before registers and receivers, unless otherwise provided by law.

## III. PROCEEDINGS BEFORE THE COMMISSIONER OF THE GENERAL LAND OFFICE AND SECRETARY OF THE INTERIOR.

### 1.—*Examination and argument.*

**RULE 72.**—When a contest has been closed before the local land officers and their report forwarded to the General Land Office, no additional evidence will be admitted in the case, unless offered under stipulation of the parties to the record, except where such evidence is presented as the basis of a motion for a new trial or in support of a mineral application or protest; but this rule will not prevent the commissioner, in the exercise of his discretion, from ordering further investigation when necessary.

**RULE 73.**—After the commissioner shall have received a record of testimony in a contested case, thirty days will be allowed to expire before any action thereon is taken unless, in the judgment of the commissioner, public policy or private necessity shall demand summary action, in which case he will proceed at his discretion, first notifying the attorneys of record of his proposed action.

**RULE 74.**—When a case is pending on appeal from the decision of the register and receiver or surveyor-general, an argument is not filed before the same is reached in its order for examination, the argument will be considered closed, and thereafter no further arguments or motions of any kind will be entertained except upon written stipulation duly filed or good cause shown to the commissioner.

4531 **RULE 75.**—If before decision by the commissioner either party should desire to discuss a case orally, reasonable opportunity therefor will be given in the discretion of the commissioner, but only at a time to be fixed by him upon notice to the opposing counsel, stating time and specific points upon which discussion is desired; and except as herein provided, no oral hearings or suggestions will be allowed.

### 2.—*Rehearing and review.*

**RULE 76.**—Motions for rehearing before registers and receivers, or for review or reconsideration of the decisions of the commissioner or Secretary, will be allowed, in accordance with legal principles applicable to motions for new trials at law, after due notice to the opposing party.

**RULE 77.**—Motions for rehearing and review, except as provided in Rule 114, must be filed in the office wherein the decision to be affected by such rehearing or review was made or in the local land office, for transmittal to the General Land Office; and, except when based upon newly discovered evidence, must be filed within thirty days from notice of such decision.

**RULE 78.**—Motions for rehearing and review must be accompanied by an affidavit of the party, or his attorney, that the motion is made in good faith, and not for the purpose of delay.

**RULE 79.**—The time between the filing of a motion for rehearing or review and the notice of the decision upon such motion shall be excluded in computing the time allowed for appeal.

**RULE 80.**—No officer shall entertain a motion in a case after an appeal from his decision has been taken.

### 3.—*Appeals from the Commissioner to the Secretary.*

**RULE 81.**—No appeal shall be had from the action of the Commissioner of the General Land Office affirming the decision of the local officers in any case where the party or parties adversely affected thereby shall have failed, after due notice, to appeal from such decision of said local officers.

Subject to this provision, an appeal may be taken from the decision of the Commissioner of the General Land Office to the Secretary of the Interior upon any question relating to the disposal of the public lands and to private land claims, except in case of interlocutory orders and decisions and orders for hearing or other matter resting in the discretion of the commissioner. Decisions and orders forming the above exception will be noted in the record, and will be considered by the Secretary on review in case an appeal upon the merits be finally allowed.

**RULE 82.**—When the commissioner considers an appeal defective, he will notify the party of the defect, and if not amended within fifteen days from the date of the service of such notice the appeal may be dismissed by the Secretary of the Interior and the case closed.

**RULE 83.**—In proceedings before the commissioner in which he shall formally decide that a party has no right of appeal to the Secretary, the party against whom such decision is rendered may apply to the Secretary for an order directing the commissioner to certify said proceedings to the Secretary and to suspend further action until the Secretary shall pass upon the same.

**RULE 84.**—Applications to the Secretary under the preceding rule shall be made in writing, under oath, and shall fully and specifically set forth the grounds upon which the application is made.

**RULE 85.**—When the commissioner shall formally decide against the right of an appeal, he shall suspend action on the case at issue for twenty days from service of notice of his decision, to enable the party against whom the decision is rendered to apply to the Secretary for an order, in accordance with Rules 83 and 84.

**RULE 86.**—Notice of an appeal from the commissioner's decision must be filed in the General Land Office and served on the appellee or his counsel within sixty days from the date of the service of notice of such decision.

**RULE 87.**—When notice of the decision is given through the mails by the register and receiver, or surveyor-general, five days additional will be allowed by those officers for the transmission of the letter and five days for the return of the appeal though the same channel before reporting to the General Land Office.

**RULE 88.**—Within the time allowed for giving notice of appeal the appellant shall also file in the General Land Office a specification of errors, which specification shall clearly and concisely designate the errors of which he complains.

**RULE 89.**—He may also, within the same time, file a written argument, with citation of authorities, in support of his appeal.

4532 **RULE 90.**—A failure to file a specification of errors within the time required will be treated as a waiver of the right of appeal, and the case will be considered closed.

**RULE 91.**—The appellee may file a written argument in his behalf within thirty days from service of the argument of the appellant, where the latter files an argument within the time allotted by Rule 89; otherwise, within thirty days from the expiration of the time so allotted to appellant.

This rule (91) as thus amended will take effect September 1, 1901.

**RULE 92.**—The appellant shall be allowed thirty days from service of argument of appellee in which to file argument strictly in reply, and no other or further arguments or motions of any kind shall be filed without permission of the commissioner or Secretary and notice to the opposite party.

**RULE 93.**—A copy of the notice of appeal, specification of errors, and all arguments of either party shall be served on the opposite party within the time allowed for filing the same.

**RULE 94.**—Such service shall be made personally or by registered letter.

**RULE 95.**—Proof of personal service shall be the written acknowledgment of the party served or the affidavit of the person making the service, attached to the papers served, and stating time, place, and manner of service.

**RULE 96.**—Proof of service by registered letter shall be the affidavit of the person mailing the letter, attached to a copy of the post-office receipt.

**RULE 97.**—Fifteen days, exclusive of the day of mailing, will be allowed for the transmission of notices and papers by mail, except in case of notice to resident attorneys, when one day will be allowed.

RULE 98.—Notice of interlocutory motions and proceedings before the commissioner and Secretary shall be served personally or by registered letter, and service proved as provided in Rules 94 and 95.

RULE 99.—No motion affecting the merits of the case or the regular order of proceedings will be entertained except on due proof of service of notice.

RULE 100.—Ex parte cases and cases in which the adverse party does not appear will be governed by the foregoing rules as to notices of decisions, time for appeal, and filing of exceptions and arguments, as far as applicable. In such cases, however, the right to file additional evidence at any stage of the proceedings to cure defects in the proof or record will be allowed.

RULE 101.—No person hereafter appearing as a party or attorney in any case shall be entitled to a notice of the proceedings who does not at the time of his appearance file in the office in which the case is pending a statement in writing, giving his name and post-office address and the name of the party whom he represents; nor shall any person who has heretofore appeared in a case be entitled to a notice unless within fifteen days after being requested to file such statement he shall comply with said requirement.

RULE 102.—No person not a party to the record shall intervene in a case without first disclosing on oath the nature of his interest.

RULE 103.—When the commissioner makes an order or decision affecting the merits of a case or the regular order of proceedings therein, he will cause notice to be given to each party in interest whose address is known.

#### 4.—Attorneys.

RULE 104.—In all cases, contested or ex parte, where the parties in interest are represented by attorneys, such attorneys will be recognized as fully controlling the cases of their respective clients.

RULE 105.—All notices will be served upon the attorneys of record.

RULE 106.—Notice to one attorney in a case shall constitute notice to all counsel appearing for the party represented by him, and notice to the attorney will be deemed notice to the party in interest.

RULE 107.—All attorneys practicing before the General Land Office and Department of the Interior must first file the oath of office prescribed by section 3478, United States Revised Statutes.

RULE 108.—In the examination of any case, whether contested or ex parte, the attorneys employed in said case, when in good standing in the department, for the preparation of arguments, will be allowed full opportunity to consult the records of the case, the abstracts, field notes, and tract books, and the correspondence of the General Land Office or of the department not deemed *privileged and confidential*; and whenever, in the judgment of the commissioner, it would not jeopardize any public or official interest, may make verbal inquiries of chiefs of divisions at their respective desks in respect to the papers or status of said case; but such inquiries will not be made to said chiefs or other  
4533 clerks of division except upon consent of the commissioner, assistant commissioner, or chief clerk, and will be restricted to hours between 11 a. m. and 2 p. m.

RULE 109.—Any attorney detected in any abuse of the above privileges, or of gross misconduct, upon satisfactory proof thereof, after due notice and hearing, shall be prohibited from further practicing before the department.

RULE 110.—Should either party desire to discuss a case orally before the Secretary, opportunity will be afforded at the discretion of the department, but only at a time specified by the Secretary or fixed by stipulation of the parties, with the consent of the Secretary, and in the absence of such stipulation or written notice to opposing counsel, with like consent, specifying the time when arguments will be heard.

RULE 111.—The examination of cases on appeal to the commissioner or Secretary will be facilitated by filing in printed form such arguments as it is desired to have considered.

#### 5.—Decisions.

RULE 112.—Decisions of the commissioner not appealed from within the period prescribed become final, and the case will be regularly closed.

RULE 113.—The decision of the Secretary, so far as respects the action of the Executive, is final.

RULE 114.—Motions for review or rehearing before the Secretary must be filed with the Commissioner of the General Land Office within thirty days after

notice of the decision complained of, and will act as a supersedeas of the decision until otherwise directed by the Secretary.

Any such motion must state concisely and specifically the grounds for review or rehearing, one or both as the case may be, upon which it is based, and may be accompanied by an argument in support thereof.

Upon its receipt, the Commissioner of the General Land Office will forward the motion immediately to this department, where it will be treated as "special." If the motion does not show proper grounds for review or rehearing, it will be denied and sent to the files of the General Land Office, whereupon the commissioner will remove the suspension and proceed to execute the decision before rendered. But if, upon examination, proper grounds are shown, the motion will be entertained and the moving party notified, whereupon he will be allowed thirty days within which to serve the same, together with all argument in support thereof, on the opposite party, who will be allowed thirty days thereafter in which to file and serve an answer, but consideration of the motion will not be deferred for further argument.

RULE 115.—None of these rules shall be construed to deprive the Secretary of the Interior of either the directory or supervisory power conferred upon him by law.

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**Papers relating to Siletz Indian Reservation.**

3078 W. S. A.

E. C. F.

SEPTEMBER 9, 1909.

Messrs. W. B. MORSE, W. L. WELLS, and PAUL H. SBOAT,  
*Portland, Oregon.*

GENTLEMEN: I have given careful consideration to your petition of August 4, 1909, requesting me to suspend action upon all homestead claims in the former Siletz Reservation pending consideration by Congress of H. R. bill No. 11490, introduced by Honorable W. C. Hawley. I appreciate that the settlers have undergone many hardships and should receive as liberal treatment as is consistent with the laws enacted by Congress, but do not feel justified in suspending the operation of existing laws pending future consideration by Congress of proposed legislation changing their status. If I did so in this case, I would, in order to be consistent, be compelled to follow the same course in other instances, which might result in very seriously hampering the conduct of the public business so far as it relates to lands.

Furthermore, it must be borne in mind that Congress has enacted laws providing for the filing of contests upon certain conditions, and the awarding of certain benefits to those who successfully prosecute such contests and secure the cancellation of entries by showing noncompliance with law on the part of entrymen. I must, therefore, hold that I am not, under the circumstances, justified in granting the suspension prayed for.

Very respectfully,

R. A. BALLINGER, *Secretary.*

3201

[S. 5628, Sixty-first Congress, second session.]

A BILL Relating to homestead entries in the former Siletz Indian Reservation, in the State of Oregon.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That no homestead entry made of lands within the former Siletz Indian Reservation, in the State of Oregon, upon which proof was submitted without protest or objection prior to December thirty-first, nineteen hundred and six, shall be canceled merely because of insufficient compliance with law in the matter of residence or cultivation where it shall be shown, to the satisfaction of the Secretary of the Interior, that the entry was made for the exclusive use and benefit of the entryman, and that he built a habitable house upon the land, actually entered into occupation thereof, and cultivated a portion of the tract entered; and where any such entry has heretofore been canceled the same may be reinstated upon application filed within six months from the passage of this act, and where, at the date of the filing of such application for reinstatement, no other entry is of record covering such land: *Provided,* That nothing herein contained shall prevent or forestall investigation by the land department of any such entry upon any pending charge of fraud in connection with the making or perfection of the same.

DEPARTMENT OF THE INTERIOR,  
Washington, March 9, 1910.

HON. KNUTE NELSON,  
Chairman Committee on Public Lands,  
United States Senate.

SIR: I am in receipt of your request for report on S. 5628, which provides that no entry within the Siletz Indian Reservation under which proof was made without protest prior to December 31, 1906, shall be cancelled for insufficient residence and cultivation in any case where it is shown to the satisfaction of the Secretary of the Interior that the entry was made for the exclusive use and benefit of the entryman and that he built a habitable house on the land, actually entered in occupation thereof, and cultivated a portion of the tract entered; and, further, that all such entries as have been heretofore cancelled shall, on application made within six months from the passage of the act, be reinstated in all cases where the lands involved have not been reentered at the date of the application for reinstatement.

The records of the General Land Office show 124 unpatented entries, embracing 19,840 acres on which proofs were made prior to December 31, 1906, without protest or objection at the date of the proof. Final certificates have issued on 50 of these entries; but, as practically all of them were protested within two years from the issuance of the certificate, they are not confirmed by section 7 of the act of March 3, 1891 (26 Stat., 1095). Proofs made under 50 of these entries were suspended for field investigation before the issuance of final certificate, and are now awaiting action. Relinquishment of 24 of these entries have been filed after field investigation, but the lands they embrace are now covered by entries and they would not be affected by this act.

By the act of Congress (28 Stat., 326) subjecting lands in the Siletz Indian Reservation to settlement, it has declared:

"The lands so ceded shall be disposed of until further provided by law under the townsite law and under the provisions of the homestead law; provided, however, that each settler, under and in accordance with the provisions of said homestead laws, shall, at the time of making his original entry, pay the sum of fifty cents per acre in addition to the fees now required by law \* \* \* and final proof to be made within five years from the date of entry, and three years' actual residence on the land shall be established by such evidence as is now required in the homestead proofs as a prerequisite to title or patent."

The lands covered by the entries affected by the bill above referred to are generally rough, not easy of access, and chiefly valuable because of the heavy growth of timber thereon. Investigation by the department has developed that compliance by the entrymen with the law as to residence and cultivation has in most instances been of that character which has been uniformly denied recognition by the department as basis for securing title under the homestead law, which, as recently said by the Supreme Court (*McCaskill v. U. S.*), "gives the right of entry \* \* \* upon the condition \* \* \* that the application is honestly and in good faith made for the purpose of actual settlement and cultivation \* \* \* and does not apply to enter the same for speculation. The purpose of the law \* \* \* is to give a home, and to secure the gift the applicant must show that he has made the land a home."

It is not believed that conditions under which these lands were entered are such as to justify legislation which would have the effect of making an exception in these cases and waiving compliance with the wholesome and well-understood requirements obtaining as to homestead settlement generally.

Very respectfully,

R. A. BALLINGER, *Secretary.*

## PART XI.

### CALLS FOR PRODUCTION OF DOCUMENTS AND RESPONSES THERETO.

319

JANUARY 27, 1910.

HON. KNUTE NELSON,  
*Chairman Joint Investigation Committee.*

DEAR SIR: Pursuant to the request made by you at the meeting of the committee on January 26, we submit to you the following list of documents which we desire to have produced at this investigation:

1. Unsigned copy of statement made by Watson Allen about March, 1907, now or formerly filed in land office at Seattle, concerning agreement entered into relating to conveyance in escrow of claims to coal lands involved in proceedings of the United States against the Wilson Coal Company, Sterling Coal Company, et al.

2. Certified copy of bill and answer and of opinion rendered in January, 1910, and of the depositions of Watson Allen, P. C. Richardson, and of the several Wilsons, as regards the above-mentioned matter, now or formerly filed in the office of the United States circuit court for the western district of Washington in the suits of the United States v. Wilson Coal Co., Sterling Coal Co., Watson Allen, etc.

3. Copy of letter of L. R. Glavis, chief field division, to commissioner, November 5, 1907, inclosing report or affidavit of Special Agent H. Jones, November 1, 1907, together with such report or affidavit, and copy of any reply thereto.

4. Original letter of L. R. Glavis to commissioner, November 12, 1907, and all other papers on file in the General Land Office relating to soldier's additional application No. 69 therein referred to.

5. Daily reports and special agents' report books, now or formerly on file in the General Land Office or the Seattle or Portland (Oreg.) land offices of the following persons for the periods respectively set forth:

(a) Special Agent H. K. Love, June 15, 1907, to date of retirement from the service.

(b) Special Agent Horace Tillard Jones, June 15, 1907, to December 16, 1909.

(c) Special Agent S. N. Stoner, March 10, 1908, to May 15, 1908; March 4, 1909, to December 16, 1909.

(d) Special Agent Andrew Kennedy, March 10, 1908, to May 15, 1908; March 4, 1909, to December 16, 1909.

(e) Special Agent Arthur R. Bowman, March 4, 1909, to December 16, 1909.

(f) Special Agent Gery, June 1, 1909, to September 16, 1909.

(g) Daily reports, daily report books, and monthly expense account Louis R. Glavis, March 4, 1907, to September 16, 1909.

6. Personal letter, L. R. Glavis to H. H. Schwartz, dated on or about November 22, 1907.

7. All letters or telegrams received from and copies of letters and telegrams sent bearing date between November 23, 1907, and December 7, 1907, between L. R. Glavis and Fred Dennett, assistant commissioner, or personally, or H. H. Schwartz, chief of field division, or personally, in relation to Alaska coal lands, or said Glavis's coming to Washington, D. C.

8. All letters and telegrams now or formerly on file in Juneau (Alaska) land office, from L. R. Glavis to H. K. Love, relating to Alaska coal claims, including,



among others, letter of L. R. Glavis to H. K. Love, dated January 31, 1908, and copies of all replies from such letters and telegrams.

10. All letters and other papers now or formerly in the Juneau (Alaska) land office relating to the Cunningham claims, so called, and particularly all communications from the copies of all communications to Clarence Cunningham. Also all the papers delivered to Special Agent Bowman in 1909, and for which receipt was given by him, including, among the others, a letter dated January 15, 1908, from the said Cunningham to the register and receiver of the said office.

11. Personal letter from L. R. Glavis to H. H. Schwartz, dated in January or February, 1908, calling attention to preliminary investigation of Cunningham case and necessity of field examination.

12. Telegram of L. R. Glavis, dated March 6, 1908, in relation to Alaska coal claims.

13. Letter of L. R. Glavis, dated in March or April, 1908, transmitting affidavit of Special Agent H. T. Jones concerning H. K. Love, together with said affidavit.

320 14. All letters and telegrams, official and personal, between Fred Dennett and R. A. Ballinger, bearing date between March 4, 1908, and March 4, 1909, and also stenographer's notebooks containing letters dictated by said Dennett during said period.

15. All letters and other communications between General Land Office and S. J. Colter, and personal letter or telegram from H. H. Schwartz to Special Agent S. J. Colter or from said Colter to Schwartz in relation to Alaska coal land or in relation to Glavis's so-called charges to the President.

16. Original report of H. T. Jones to L. R. Glavis, dated December 2, 1907, now or formerly in General Land Office.

17. Personal letter of L. R. Glavis to Schwartz, of April, 1908, referred to in letter of April, 1908, to Hon. R. A. Ballinger, September 10, 1909. (S. Doc. 248, p. 99.)

18. Original telegram H. K. Love to Hon. R. A. Ballinger, January 11, 1908, and memorandum of Carr on envelope.

19. All the papers on files of the General Land Office or of any local land office relating to the grants of rights of way to the Des Chutes River Railroad Company or other relations with that company.

20. The unsigned or undelivered draft of patents of the Cunningham claims and any memorandum on file in relation thereto.

21. The telegram of Hon. R. A. Ballinger to Love of January 7, 1908, referred to on page 35 of the printed record.

22. Telegram of Love of January 4, 1908, referred to in Commissioner Ballinger's telegram of January 7, 1908.

23. Any record of the hearing given to ex-Governor Moore by Commissioner Ballinger in December, 1907, referred to by Schwartz on page 224 and again on page 460 of the printed record.

24. Letter from Mr. Todd, United States attorney at Seattle, Wash., about May, 1908, relating to the proposed criminal prosecution of certain Alaskan coal claimants, which letter should now be on file either in the General Land Office or in the Seattle land office, and all other papers in either of said files bearing upon the same matter.

25. Telegram of L. R. Glavis to commissioner April 11, 1909, and reply of commissioner to Glavis April 13. Also original letter of Commissioner Dennett to Glavis of June 3, 1908.

In pursuance of your request to name such witnesses as we would like to have called, we respectfully request that the committee subpoena—

Special Agent Horace Tillard Jones, Portland, Oreg.

Arthur R. Bowman, Cheyenne, Wyo.

Andrew Kennedy, Seattle, Wash.

Henry M. Hoyt, attorney-general, Porto Rico.

P. C. Richardson, Seattle, Wash.

We shall submit as soon as may be certain further requests for documents and witnesses, the exact specifications of which we are not able to furnish at present.

Very respectfully,

LOUIS D. BRANDEIS,  
JOSEPH COTTON, JR.  
*Counsel for Louis R. Glavis.*

KNUTE NELSON,  
*Chairman of Joint Investigation Committee.*

SIR: Supplementing our request of January 27, 1910, we submit to you the following list of documents which we desire to have produced at this investigation:

- (1) Original drafts of patents prepared in General Land Office in Cunningham coal cases in 1907 or 1908.
- (2) Original lists in General Land Office sending Cunningham cases from the mineral division to the recorders' office.
- (3) Letter H. K. Love, dated February 17, 1907, to General Land Office relating to creation of Chugach National Forest.
- (4) Letter Forester to Commissioner General Land Office March 15, 1907, in same matter.
- (5) Letter same to same, March 26, 1907, in same matter.
- (6) Letter Commissioner General Land Office to Secretary Interior April 24, 1907, same matter.
- (7) Letter Forester May 6, 1907, same matter.
- (8) Letter Commissioner General Land Office to Secretary Interior submitting proclamation.
- (9) Copies proclamations by the President July 23, 1907, September 18, 1907, and February 25, 1907, in same matter.
- (10) All documents in Department of Interior relating to the Siletz Indian homesteads mentioned in letter Schwartz to Carr appearing on page 269 Senate Document 248.
- (11) All correspondence and copies thereof between Wade Ellis, esq., and the Department of the Interior and any officer thereof between March 4, 1909, and January 1, 1910, and all correspondence and records pertaining to the matters mentioned in such correspondence, including correspondence of Messrs. Schwartz, Dennett, and Pierce.
- (12) Report of hearings before the Public Lands Committee of the House in 1908 on the so-called "Cale bill."
- (13) Record of testimony so far taken in Cunningham coal cases, including exhibits.
- (14) List of stockholders of all different companies holding Alaska coal claims.
- (15) Letter in Seattle land office (now or formerly) dated March 10, 1908, stating that the writer thinks Judge McKenzie drafted Cale bill, addressed to Hon. Oscar Foote.
- (16) Letter (or copy) dated April 9, 1908, Clarence Cunningham to W. B. Heyburn, asking advice or assistance as to getting Alaska titles out of the Land Office.
- (17) All correspondence and telegrams from July 1, 1909, to date passing between Messrs. Ballinger, Pierce, Schwartz, Dennett, McEniry, Colter, or any of them.

We shall present further requests for documents as occasion arises.

Very respectfully,

JOSEPH P. COTTON, Jr., *Counsel.*

[Committee call on Secretary of the Interior, February 1, 1910.]

403 MEMORANDUM OF RECORDS AND PAPERS IN THE INTERIOR DEPARTMENT BEARING ON CHARGES AGAINST THE ADMINISTRATION OF THE DEPARTMENT OF THE INTERIOR.

1. Glavis charges in re Alaska coal claims. Files relating to Alaska coal lands and legislation or proposed legislation relating thereto. Copies of records of the Cunningham and other groups of Alaska coal claims and the Whorf Alaska coal claim.
2. Letters from Messrs. Garfield and Pinchot to President Taft complaining of the administration of the Interior Department by Secretary Ballinger, Secretary Ballinger's letter to the President, etc.
3. Withdrawals, restorations, and papers relating to conservation of water resources, water-power sites, and restorations of lands.

4. Letters relating to the issuance and use of cooperative certificates in payment for work performed under the reclamation act, and opinions of such Attorney-General and the Comptroller of the Treasury as to illegality of such certificates.

5. Copy of files relating to the cooperative agreement for the handling of timber on Indian reservations by the Forest Service and the discontinuance of the cooperative work; also records pertaining to lumbering operations by the Forest Service upon the Menominee Indian Reservation in Wisconsin.

6. Papers and records relating to applications for railroad rights of way along the Deschutes River, Oregon, and protection of alleged power possibilities.

7. Reports of Secretary Ballinger, First Assistant Secretary Pierce, Commissioner Dennett, and Chief of Field Division Schwartz to the President relative to the Glavis charges. Report of the Attorney-General relative thereto and findings of the President (S. Doc. No. 248, 61st Cong., 2d sess.).

8. Miscellaneous letters of Mr. Ballinger to Secretary Garfield and Commissioner Dennett relative to Alaska coal claims; also correspondence between Mr. Ballinger and L. R. Glavis between July 21, 1908, and February 20, 1909.

9. Letters written by Mr. Ballinger showing disinclination to accept office of Secretary.

10. Affidavits relating to activities of Law Officer Shaw, of the Forest Service, in connection with L. R. Glavis inspiring charges and insinuations against the administration of the Interior Department.

766

[Committee call on the Forester.]

FEBRUARY 1, 1910.

SIR: In his testimony before the Joint Committee of Congress to Investigate the Interior Department and Forestry Bureau yesterday, L. R. Glavis referred to an affidavit made by him in September, 1909, touching a conversation between one Donald A. McKenzie and himself in regard to the failure of President Taft to appoint Mr. Garfield a member of his Cabinet. Mr. Glavis stated that a  
767 copy of this affidavit was forwarded by him to the Forestry Bureau. The committee wish to be furnished with this copy from your files, and I ask that the same be forwarded to the committee at its office, room 210, Senate Office Building, as soon as possible.

Very respectfully,

KNUTE NELSON,

*Chairman Joint Committee of Congress.*

The FORESTER.

766

[Committee call on the Secretary of the Interior.]

FEBRUARY 1, 1910.

(1) Original of affidavit of L. R. Glavis dated September, 1909, now (or formerly) in Seattle land office, relating to conversation of Glavis with Donald A. McKenzie in re failure of President Taft to appoint Mr. Garfield a member of his Cabinet.

KNUTE NELSON,

*Chairman Joint Committee.*

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PHILADELPHIA, PA., February 11, 1910.

HON. KNUTE NELSON,

*Chairman of the Joint Committee of Senate and House.*

SIR: On behalf of Mr. Gifford Pinchot, we beg that an order be made for the production of the following documents and for the attendance of the following witnesses:

## DOCUMENTS.

(1) Office copy of letter of March 2, 1909, from Secretary Garfield to Representative Mondell in relation to withdrawals under the reclamation act, together with correspondence leading up to the said letter.

(2) All recommendations by the Reclamation Service to the Secretary of the Interior on and after December 4, 1908, to date, looking to the restoration of lands withdrawn for reclamation and power-site purposes.

(3) Draft of a letter submitted in March, 1909, by Director F. H. Newell to Secretary Ballinger embodying an order upon the Reclamation Service to recommend the restoration of power sites.

(4) Letter of March 19, 1909, from Senator Heyburn to Secretary Ballinger.

(5) Secretary Ballinger's reply to Senator Heyburn, dated March 20, 1909.

(6) Any letter or other document from the Secretary of the Interior submitting to the Attorney-General the question raised in the above-specified letter from Senator Heyburn.

(7) Brief in favor of executive withdrawals submitted March 29, 1909, by the Reclamation Service to Secretary Ballinger.

(8) Four letters dated on about April 13, 1909, from Secretary Ballinger to the Secretary of Agriculture in relation to requests for withdrawal of ranger stations.

(9) Letter of April 20, 1909, directing recommendation of rewithdrawals of power sites addressed by Secretary Ballinger to the Reclamation Service and then redirected by him to the Geological Survey.

(10) Letter of May 8, 1909, from James R. Garfield to the Forester.

(11) Letter of Secretary Ballinger to the Attorney-General submitting the question of the legality of ranger station or administrative site withdrawals and any opinion of the Attorney-General rendered thereupon.

(12) Letter dated on or about May 21, 1909, from Chief Engineer A. P. Davis to Supervising Engineer F. E. Weymouth.

(13) Office copy of letter of July 8, 1909, from Director F. H. Newell to Senator La Follette and the letter of Senator La Follette to which the Newell letter was reply.

(14) Volume 161, containing statistics of power sites, 1909, of the National Atlas on file in the Forest Service.

(15) All letters, telegrams, memoranda, and other documents relating to the Cunningham coal cases on file in the Department of Agriculture, including Forest Service.

(16) Report of the Forester of July 23, 1909, to the Secretary of Agriculture on forest work in Indian reservations.

(17) Letter of October 7, 1909, from the Forester to the Commissioner of Indian Affairs and the commissioner's reply thereto dated October 8, 1909.

(18) All letters between the Secretary of the Interior and the Secretary of Agriculture dealing with the termination of the Indian cooperative agreement.

(19) Copies of all letters written by Secretary Ballinger or by Private Secretary Carr (or by any one else on Secretary Ballinger's behalf) in December, 1909, and January, 1910, to publishers, editors, or reporters of newspapers asking or suggesting the communication to this committee of complaints against the Forest Service.

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#### WITNESSES.

(1) Chief Engineer A. P. Davis.

(2) Director F. H. Newell.

(3) Hon. James R. Garfield.

We beg to reserve the right to call hereafter for other documents and for additional witnesses.

Very respectfully,

G. W. PEPPER,  
NATHAN A. SMYTH,  
*Counsel for Mr. Pinchot.*

766

WASHINGTON, D. C., February 15, 1910.

The committee is requested to call upon the Bureau of Forestry for the copies of all letters and papers relating to Alaska coal claims furnished it by Glavis.

JOHN J. VERTREES.  
CARL RASCH.

1207

WASHINGTON, D. C., *February 16, 1910.*

HON. KNUTE NELSON,  
*Chairman Joint Committee of Congress, Washington, D. C.*

DEAR SIR: I beg leave to ask that the Secretary of the Interior be directed to produce to this committee the following papers:

1. Originals of letters of instruction given by Special Agent Glavis to Andrew Kennedy and Special Agent Stoner, respecting the field examination of the Cunningham coal claims.

Yours, truly,

LOUIS D. BRANDEIS.

WASHINGTON, D. C., *February 18, 1910.*

HON. KNUTE NELSON,  
*Chairman Joint Committee of Congress, Washington, D. C.*

DEAR SIR: I beg leave to ask that the Secretary of the Interior be directed to produce to this committee the following papers:

1. Originals of letters of Miles C. Moore of May 22, 1909, and May 24, 1909, to Secretary Ballinger, and of March 17, 1908, to Commissioner Ballinger, and any other letters or telegrams from Miles C. Moore in the possession of the Secretary or the Land Office, or in his personal file, relating to Alaska coal lands.

Very respectfully,

LOUIS D. BRANDEIS.

WASHINGTON, D. C., *February 19, 1910.*

HON. KNUTE NELSON,  
*Chairman Joint Committee of Congress, Washington, D. C.*

DEAR SIR: I beg leave to ask that the Secretary of the Interior be directed to produce to this committee the following papers:

1. Copy of letter of the President to Secretary Ballinger of August 13, 1909.

Yours, truly,

LOUIS D. BRANDEIS.

[Committee call on the Secretary of the Interior.]

UNITED STATES SENATE,  
 Washington, D. C., *February 21, 1910.*

(1) Affidavit of Henry White, Los Angeles, Cal., taken before Special Agent Glavis, July, 1909, relating to the Green Group of Alaskan Coal Claimants.

KNUTE NELSON,  
*Chairman Joint Committee of Congress.*

WASHINGTON, D. C., *February 23, 1910.*

HON. KNUTE NELSON,  
*Chairman Joint Committee of Congress, Washington, D. C.*

DEAR SIR: I beg leave to ask that the Secretary of the Interior be directed to produce to this committee the following papers:

1. Letter of H. H. Schwartz to Special Agent Coulter, defining position of subordinates, written either in September or October, 1909.

Very respectfully,

LOUIS D. BRANDEIS.

1208 To the HON. KNUTE NELSON, *Chairman, etc.*

SIR: On behalf of Mr. Pinchot, we request the committee to call for the production from the files of the Interior Department, either in the Reclamation Service or elsewhere, of all documents and correspondence relating to the conduct of the Chicago office of the Reclamation Service by Agent Perkins.

Respectfully,

G. W. PEPPER,  
 N. A. SMYTH,  
 (For Gifford Pinchot).

FEBRUARY 26, 1910.

[Committee call on the Secretary of the Interior.]

1429

MARCH 2, 1910.

(1) Letters of October 6, 1905, and October 17, 1905, from Special Agent Love to the Commissioner of the General Land Office.

(2) Favorable reports of Special Agent Love to register and receiver of the Juneau land office referred to in Love's report of August 2, 1907.

(3) Copies of all letters and reports to the Juneau land office by Special Agent Love in connection with the Cunningham coal claims.

KNUTE NELSON,  
*Chairman Joint Committee.*

MARCH 2, 1910.

HON. KNUTE NELSON,  
*Chairman Joint Committee, etc.*

DEAR SIR: I beg leave to ask that the Secretary of the Interior be directed to produce to this committee—

(1) The books and papers showing for the years 1907, 1908, and 1909 the efficiency records or state of the business in the several divisions of the Land Office from week to week or month to month, or however otherwise such records are kept.

(2) Original affidavit of Clarence Cunningham dated September 4, 1908.

Yours, truly,

LOUIS BRANDEIS.

1513

MARCH 5, 1910.

[Committee call on the Secretary of the Interior.]

(1) Copies of all notices of approval by the Auditor for the Interior Department of accounts between the Forest Service and the Indian Office since September 3, 1908, and described on pages 1415 to 1429, inclusive, of record of testimony.

KNUTE NELSON,  
*Chairman Joint Committee.*

MARCH 5, 1910.

[Committee call on the Secretary of the Treasury.]

(1) Copies of all certificates of cross transfers from the appropriation of the Indian Office to the appropriation of the Forest Service since September 3, 1908.

KNUTE NELSON,  
*Chairman Joint Committee.*

MARCH 5, 1910.

HON. KNUTE NELSON,  
*Chairman Joint Committee of Congress, Washington, D. C.*

DEAR SIR: We beg leave to ask that the Secretary of the Interior be directed to produce to this committee the following papers:

(1) All copies and drafts now existing in the files of the Reclamation Service of a letter finally sent by the Secretary of the Interior to Governor Herrick on or about April 10, 1909.

GEORGE W. PEPPER,  
NATHAN A. SMYTH,  
*Counsel for Gifford Pinchot.*

MARCH 5, 1910.

HON. KNUTE NELSON,  
*Chairman Joint Committee.*

DEAR SIR: I beg leave to ask that the Secretary of the Interior and Messrs. Pierce, Dennett, Lawler, Schwartz, Finney, and Carr be directed to produce:

(1) Original letter of L. R. Glavis to commissioner, dated June 10, 1908.

(2) Original (or if original not available) copy of telegram of Oscar Lawler to H. H. Schwartz, to which telegram of Schwartz to Lawler, appearing on page

99 of Senate Document 248 is a reply; also originals (and so far as originals not available, copies) of all other letters, telegrams, and memoranda and papers of, from or to or made by Messrs. Ballinger, Dennett, Schwartz, Lawler, Finney, McEniry, Murphy, or Carr dated, written, or made prior to September 20, 1909, not contained in Senate Document 248 relating to the Cunningham claims or the so-called Glavis charges, including among others, all papers or memoranda submitted by them or any of them to the President or to the Attorney-General.

(3) Original letter Glavis to Schwartz, dated about November 22, 1907, heretofore called for.

Yours, truly,

LOUIS D. BRANDEIS.

1932

WASHINGTON, D. C., March 12, 1910.

HON. KNUTE NELSON,

*Chairman Joint Investigating Committee.*

DEAR SIR: (1) Referring to my request for papers dated March 5, 1910, and Secretary Ballinger's letter to you of March 12, 1910, relating thereto, I beg to call your attention to the fact that Secretary Ballinger does not transmit any reply from either Mr. Lawler, Mr. Finney, Mr. Pierce, or Mr. Carr as to letters or telegrams from or to them, or papers or memoranda made by them, respectively. I respectfully request that they be specifically requested to make written reply to such request for papers.

(2) I also beg leave to ask that the Secretary of the Interior be directed to produce a list of all Alaska coal claimants in the Katalla district other than those set forth in the report of H. T. Jones, dated August 13, 1907, together with the addresses of such claimants and the agents representing the same.

(3) Also copy of letter of Mr. Ballinger to Mr. Mondell, referred to in Mr. Ballinger's letter to Mr. Dennett, dated March 31, 1908; also letter from Mr. Dennett to Mr. Ballinger referred to in Mr. Ballinger's letter to Mr. Dennett, dated August 8, 1908.

Yours, truly,

LOUIS D. BRANDEIS.

1933

WASHINGTON, D. C., March 15, 1910.

HON. KNUTE NELSON,

*Chairman Joint Investigating Committee.*

DEAR SIR: I beg leave to ask that the Attorney-General be requested to produce to this committee the following papers: All letters, telegrams, and other papers received by him prior to September 19, 1909, from L. R. Glavis, from Henry M. Hoyt (the attorney-general of Porto Rico), from Secretary Ballinger, or from any other person relating to the construction of the act of May 28, 1908 (the Alaska coal-land act), or to the Cunningham claims, or to the so-called Glavis charges, and copies of all letters, telegrams, and other papers sent by him to any person prior to said date in relation to any of said matters.

Yours, truly,

LOUIS D. BRANDEIS.

WASHINGTON, D. C., March 15, 1910.

HON. KNUTE NELSON,

*Chairman Joint Committee.*

DEAR SIR: I respectfully request that the Secretary of the Interior be requested to produce to the committee the following papers:

(1) All papers relating in any manner to the selection and approval of Ormsby McHarg as attorney for Governor McCurtain, governor of the Choctaw Indians or as attorney for the Choctaw Indians.

(2) All papers relating in any manner to the purchase by one Ewart, an officer of the Department of Justice, during the summer or fall of 1909, of certain Indian lands in the Quapaw Indian allotment in Oklahoma.

Yours, truly,

LOUIS D. BRANDEIS.

2109

161 DEVONSHIRE STREET,  
Boston, Mass., March 21, 1910.

HON. KNUTE NELSON,  
Chairman Joint Investigating Committee,  
Senate Chamber, Washington, D. C.

DEAR SIR: Referring to my call for documents dated March 5, 1910 (testimony, page 1513), transmitted by you to Secretary Ballinger under date of March 7th, his reply thereto dated March 12th, 1910 (testimony, page 1931), my further letter to you of March 12, 1910 (testimony, page 1932), transmitted by you to Secretary Ballinger under date of March 14, 1910, and his reply thereto, dated March 17, 1910 (testimony, page 1934), and the papers transmitted to your committee with said letters of Secretary Ballinger, all of which were put in evidence by me at the close of the hearing March 19, 1910, I desire to call to your attention that it is not clear that all papers intended to be called for have been transmitted, and, therefore, to avoid the possibility of misunderstanding, I respectfully request as follows:

*First.* That Messrs. Ballinger, Dennett, Schwartz, Lawler, Finney, Carr, Murphy, and McEniry, and each of them, be requested to produce to this committee originals (and so far as originals are not available, copies) of all letters, telegrams, memoranda, and papers, whether official or personal, relating to the Cunningham claims, or the so-called Glavis charges, sent or received by any of them, respectively, or made, dictated, or prepared by them, or any of them, respectively, in whole or in part, prior to September 20, 1909, and which are not contained in Senate Document No. 248 or already produced by them to your committee in pursuance of previous calls, meaning to include, among others, all papers or memoranda submitted by them, or any of them, to, or prepared by them, or any of them, in whole or in part for the President, his private secretary, or other assistant, or the Attorney-General or any assistant, and all communications received from the President, his secretary, or any assistant, or the Attorney-General or any assistant.

*Second.* That Messrs. Ballinger, Dennett, Schwartz, Lawler, Finney, Carr, Murphy, and McEniry, and each of them, be requested to make written reply whether in addition to the documents produced they have knowledge of any other such letters, telegrams, papers, or memoranda not now available for production, and if so what such other documents are.

I have made this specific request for the following, among other, reasons:

1. No written reply whatever has come directly from Mr. Lawler to my calls of March 5, 1910, and March 12, 1910, and Secretary Ballinger in his letter of March 17, 1910 (testimony, page 1934), says merely that "Mr. Lawler states" that the letter of August 15, 1909, therein referred to "is the only correspondence in his possession coming within the provisions of your request." The call was not limited to "correspondence," but included telegrams, memoranda, and any other papers, nor was it limited to papers in Mr. Lawler's personal possession.

2. The reply of Mr. Finney of March 14, 1910 (testimony, p. 1934), is likewise so limited as not to include:

(a) Any papers received, sent, or made between September 3 and September 20.

(b) As not to include papers or memoranda dictated, prepared, or made in whole or in part, but not addressed to or received from Messrs. Ballinger, Pierce, Lawler, Schwartz, or Carr.

(c) As not to include papers submitted to or received from the President or the Attorney-General or any assistant or either of them.

3. The reply of Mr. Pierce of March 16, 1910 (testimony, page 1934), is limited so as to exclude all papers, memoranda, or telegrams except correspondence between himself and Messrs. Ballinger, Dennett, Schwartz, Finney, and Carr.

4. Mr. Carr's reply of March 15, 1910 (testimony, page 1935), appears also to be limited so as to exclude all papers, memoranda, or telegrams except correspondence between himself and Messrs. Ballinger, Dennett, Schwartz, Finney, and Carr.

5. The letters of Secretary Ballinger of March 12, 1910, and March 17, 1910, are perhaps also so limited as to exclude papers and memoranda not coming within the designation of "correspondence."

6. I desire also to call your attention to the fact that the papers and correspondence from Mr. McEniry, promised in Secretary Ballinger's letter of March 12, 1910, had not been received up to the close of the hearing on March 19, 1910.

Yours, very truly,

LOUIS D. BRANDEIS.



2110

161 DEVONSHIRE STREET,  
Boston, Mass., March 21, 1910.

HON. KNUTE NELSON,  
*Chairman Joint Investigating Committee,  
Senate Chamber, Washington, D. C.*

My DEAR SIR: Supplementing my request of March 15, 1910, for production of papers by the Attorney-General (testimony, page 1932) and his reply thereto under date of March 16, 1910 (testimony, page 1933), I respectfully request that the Attorney-General be asked to produce to your committee any letters, telegrams, or memoranda or papers relating to the Cunningham claims, or the so-called Glavis charges (other than those contained in Senate Document No. 248, or already transmitted with the Attorney-General's said letter of March 16, 1910), which were written, dictated, or made prior to September 20, 1909, and sent or submitted by him to the President, his private secretary, or other assistant, or which were received by the Attorney-General or any assistant from the President, private secretary, or assistant, or any other person.

Yours, very truly,

LOUIS D. BRANDEIS.

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[Committee call.]

2214 On the Secretary of the Interior.

(1) Original or office copy of telegram of Commissioner Dennett to Glavis dated May 28, 1908, appearing on page 229 of Senate Document No. 248.

KNUTE NELSON, *Chairman.*

MARCH 23, 1910.

2518

WASHINGTON, March 28, 1910.

HON. KNUTE NELSON,  
*Chairman Joint Investigating Committee,  
Washington, D. C.*

MY DEAR SIR: Please request the Secretary of the Interior to produce to the committee the following original papers:

First, the daily reports of Chief of Field Division Christensen, commencing August 1st, 1909. Second, the daily reports of Special Agent Parks, commencing September 1st, 1909. Third, the daily reports of Special Agent James M. Sheridan since the date of his entry into office. Fourth, all the original papers relating to the sale by the Maxwell Ditch Company to the United States of certain property and rights in connection with the Hermiston project. Fifth, all original papers, and copies where the originals are not now available, relating to the so-called Hunt group of coal claims, or the Alaska Coal and Petroleum Company, bearing dates, received or sent, subsequently to December 1st, 1909.

Will you have the kindness to request the department to deliver these papers before 10 o'clock to-morrow morning, March 29th, if and so far as possible.

Yours, truly,

LOUIS D. BRANDEIS.

2519

WASHINGTON, March 29, 1910.

HON. KNUTE NELSON,  
*Chairman Joint Committee of Congress,  
Washington, D. C.*

DEAR SIR: I beg to request that the Secretary of the Interior be directed to forward to the committee the following documents:

1. Daily reports of Special Agent Frank L. Spalding from January 1st, 1909, to December 1st, 1909, inclusive.

2. Letter from Special Agent Sheridan to Chief of Field Service Schwartz, October 18th, 1909.

Very respectfully,

LOUIS D. BRANDEIS.

WASHINGTON, March 29, 1910.

HON. KNUTE NELSON,  
*Chairman Joint Committee of Congress,*  
*Washington, D. C.*

DEAR SIR: First. Referring to letters of Messrs. Lawler, Dennett, Finney, and Carr, transmitted with Secretary Ballinger's letter to you of March 25th, 1910 (testimony 2111), will you have the kindness to call the attention of the Secretary and the several gentlemen to the following and to request further replies from them?

1. Mr. Lawler, in his letter of March 23rd, 1910 (testimony 2111), replies merely that "all matter in my personal or official possession coming within the purview thereof" (my letter) "was turned over to Mr. Carr, private secretary to Secretary Ballinger, and transmitted as requested." Mr. Lawler has omitted to comply with the request in the "second" paragraph of my letter of March 21, 1910 (testimony 2109), in which he is "requested to make written reply whether, in addition to the documents produced, they have knowledge of any other such letters, telegrams, papers, or memoranda not now available for production, and if so what such other documents are."

Will you kindly ask Mr. Lawler to reply specifically and fully to that inquiry.

2. Mr. Dennett, in his letter of March 25th, 1910 (testimony 2112), states that "all letters, telegrams, etc., from myself to either of said persons named therein, or from either of said persons to myself, relating to the Cunningham claims or the so-called Glavis charges, made or dictated prior to September 20, 1909, and not contained in Senate Document 248, I have been able to find have been forwarded to the joint committee, and I have no recollection of the contents of any other letters, telegrams, etc., if any such there may have been, that are not now available for production." Mr. Dennett has confined his reply to letters and telegrams (and, I assume, memoranda and papers) from himself to persons named, and from persons named to himself. My inquiry called also for memoranda and papers, "whether official or personal, made, dictated, or prepared by them or any of them, in whole or in part," and is not confined to papers or memoranda sent to or received from the persons named. Mr. Dennett's reply denies "recollection of the contents of any other letters, telegrams, etc." My inquiry of March 21, 1910 (testimony 2109), requests him to "reply whether in addition to the documents produced" he has "knowledge of any other such letters, telegrams, papers, or memoranda," and it does not inquire merely as to his recollection of the contents of such other letters.

Will you please request Mr. Dennett to make further reply in view of the above?

3. Mr. Finney's letter of March 22, 1910 (testimony 2112), states that he has "not in my possession originals or copies, nor can I find on file any originals or copies of any such letters, telegrams, memoranda, or papers, of, from, or to, or made by me, addressed to the persons named in said letter of March 5, or by any of them addressed to me." Mr. Finney also limits his reply to letters, telegrams, memoranda, and papers addressed by any of the persons named to him, or by him addressed to them. My letter of March 21, 1910 (testimony 2109), did not so confine the papers requested, but extended to any papers relating to the Cunningham claims or the Glavis charges, made, dictated, or prepared by him in whole or in part. Mr. Finney wholly omits to answer paragraph 2 of my letter of March 21, 1910, in which I inquire whether he has recollection of any other letters, telegrams, papers, or memoranda, not already produced.

Will you please ask Mr. Finney to make further reply in view of the above?

4. Mr. Carr, in his letter of March 24, 1910 (testimony 2113), states that his previous reply "was meant to include all correspondence, memoranda, telegrams, etc., which I received from, or addressed to any or all of the persons mentioned in said requests." My letter of March 21, 1910 (testimony 2109), was not so limited.

2520 Will you please request Mr. Carr to make full and explicit reply as requested in my letter of the 21st?

Second. I respectfully request you also to have Mr. F. W. Clements make reply to my letter of March 21, 1910, as if his name was included therein with Messrs. Ballinger, Dennett, Schwartz, Lawler, Finney, Carr, Murphy, and McEniry.

Very respectfully,

LOUIS D. BRANDEIS.

WASHINGTON, D. C., March 30, 1910.

HON. KNUTE NELSON,  
*Chairman Joint Investigating Committee.*

DEAR SIR: I respectfully request that the Department of the Interior be directed to produce to the committee the originals of the following papers, and, so far as originals are not immediately available, copies:

1. Letter, Glavis to Bowman, Aug. 29/09.
2. Letter, Glavis to Bowman, Sept. 7/09.
3. Letter, Glavis to Commissioner, June 10, 1908 (copy is in testimony 2077), and the answers thereto, together with all other papers relating to subsequent proceedings thereon.
4. A list of all companies seeking patents or seeking to consolidate claims under the Alaska coal law of May 28, 1908, and all papers relating to any such applications.
5. Letter of E. E. Todd to L. R. Glavis, Nov. 6, 1908, relating to decision in Portland Coal & Coke Co. case.
6. All correspondence (including telegrams), official or personal, of any officer of the Interior Department with Adolph Behrens since Jan. 1, 1910.

I also request that if any of these papers are not readily available, such as are available be sent to your committee to-day and the balance as soon as, from time to time, possible.

Yours, truly,

LOUIS D. BRANDEIS.

WASHINGTON, March 30, 1910.

HON. KNUTE NELSON,  
*Chairman Joint Committee, Washington, D. C.*

DEAR SIR: I respectfully request that the Department of the Interior be requested to produce to the committee all affidavits of statements in relation to the so-called missing letters (being part of those brought by Special Agent Bowman from Juneau), signed or made by Special Agent Bowman, Jones, Christensen, Spalding, Parks, Mr. G. W. O'Neill, Miss Shartell, or any other persons connected with the local land office at Seattle.

Respectfully, yours,

LOUIS D. BRANDEIS.

WASHINGTON, March 31, 1910.

HON. KNUTE NELSON,  
*Chairman Joint Investigating Committee.*

DEAR SIR: Please request the Interior Department to produce to your committee the following papers:

1. Any paper containing the "directions" (and any memoranda) relating thereto referred to in letter of C. C. Heltman, Chief Mineral Division, to H. H. Schwartz, dated Nov. 5, 1907.

2. All other original papers of any kind received by, or sent by that division, relating to the Cunningham claims, and all other papers, now or formerly on file in Division N, relative to said claims, and copies so far as originals are not available.

3. The original (or if original is not now available, copy) of the receipt given by Special Agent Bowman to the Juneau land office in August, 1909, for letters, etc., taken by him from its files.

4. All original papers now or formerly in Division B, relating to the Cunningham claims, not already produced to this committee, and copies so far as originals are not available.

5. Original letter of June 21, 1907, of Acting Commissioner Dennett to Horace T. Jones, and if original letter not immediately available, the original carbon in G. L. O.

6. Originals (or if and so far as originals not available, copies) of all letters, telegrams, from any official of the Interior Department to A. Christensen 2521 or from him to any official of the Interior Department, bearing date after January 1st, 1910, relating to the so-called "missing letters" brought by Special Agent Bowman from Juneau, in August, 1909.

7. Originals (or if and so far as originals are not available, copies) of all letters and telegrams from any official of the Interior Department to A. Christensen, or from him to any official of the Interior Department bearing date after

January 1st, 1910, relating to the production of evidence in the investigation (proposed or continuing) of the Interior Department.

Will you please request the Interior Department to send immediately such of the above papers as are now available and send the rest from time to time as soon as they can be produced.

Yours, truly,

LOUIS D. BRANDEIS.

2870

WASHINGTON, April 7, 1910.

HON. KNUTE NELSON,

*Chairman Joint Investigating Committee.*

DEAR SIR: The Attorney-General, in his letter of March 23, 1910, replying to my call for papers, says:

"The only papers that I can find in this department which would come within this description, other than those transmitted to you with my letter of March 16, 1910, are copies of communications submitted to me by the President, the originals of which have been already transmitted by him to you, and which therefore must be in the hands of your committee."

I am not aware that any "originals" have been at any time transmitted by the President to this committee, and in order that the committee and counsel may be definitely advised in the matter, I respectfully request that the Attorney-General be requested to furnish a complete list "of the copies of communications" submitted to him by the President, together with all letters of transmittal from the President or his secretary and replies thereto.

Yours, very truly,

LOUIS D. BRANDEIS.

3048

WASHINGTON, April 13, 1910.

HON. KNUTE NELSON,

*Chairman Joint Investigating Committee.*

DEAR SIR: Mr. Paul Sleman has just read to me over the telephone the letter received by you to-day from the Attorney-General in response to my letter to you of April 7, 1910 (testimony, p. 2870).

I respectfully request that your committee request the Secretary of the Senate to transmit to you the original papers referred to by the Attorney-General.

Yours, truly,

LOUIS D. BRANDEIS.

3137

WASHINGTON, D. C., April 16, 1910.

HON. KNUTE NELSON,

*Chairman Joint Investigating Committee.*

DEAR SIR: In view of the facts which I called to the attention of the committee yesterday (testimony, pp. 2969-2974), in connection with the letter of Christensen to Schwartz, February 8, 1910 (testimony, p. 2814), showing that the Secretary of the Interior had failed to produce to the committee papers called for which now appear to have been in the General Land Office available for production since the middle of February, I respectfully request that the Secretary of the Interior be requested to carefully review all calls for papers heretofore made by the committee at our request, and produce as soon as may be all papers heretofore called for and not already produced.

Yours, truly,

LOUIS D. BRANDEIS.

HON. KNUTE NELSON,

*Chairman Joint Committee of Congress, Washington, D. C.*

DEAR SIR: We beg leave to ask that the Secretary of the Interior be directed to produce the following papers:

All correspondence on the files of the Department of the Interior, or the Secretary's private files, or the files of the Geological Survey, relative to the withdrawals of oil lands referred to in the statement of the Geological Survey found on page 1546 of the printed record of these hearings.

GEO. PEPPER,

NATHAN A. SMYTH,

*Counsel for Gifford Pinchot.*

3241

161 DEVONSHIRE STREET, BOSTON, MASS.,  
*April 18, 1910.*

HON. KNUTE NELSON,

*Chairman Joint Investigating Committee, Washington, D. C.*

DEAR SIR: Pursuant to the suggestion made at the hearing on April 18 by Senator Flint as acting chairman, I write now to confirm the request specifically made by me on that day to Mr. Finney for the production early this week of certain documents, the documents called for being in large part the documents already called for in my letter of March 31, 1910 (testimony, 2520), namely:

First. The original of the letter of Assistant Commissioner Dennett to chief of Mineral Division N, September 1, 1907, referred to in Mr. Heltman's letter of November 5, 1907. (See testimony, p. 3115.)

Second. All the original papers of any kind in Division N referring to the Cunningham claims, including, among others, any books of record in which data concerning said claims are entered. (See testimony, p. 3117.)

Third. The original letterpress copies of the letters of Secretary Ballinger to Miles C. Moore, dated, respectively, May 24, 1909, and May 27, 1909. (See testimony, p. 3122.)

Fourth. The originals and all original carbon copies of the memoranda of Mr. Finney appearing on page 712, Senate Document 248. (See testimony, p. 3110.)

I specifically requested Mr. Finney to send these papers to the committee as early this week as possible. I should like to examine these papers on the morning of April 20. If they have not been produced by the time this letter reaches you, will you have kindness to call the matter to Mr. Finney's attention immediately, so that the papers may reach the committee some time on the 19th?

Yours, very truly,

LOUIS D. BRANDEIS.

THE NEW WILLARD,  
*Washington, D. C., April 20, 1910.*

HON. KNUTE NELSON,

*Chairman Joint Investigating Committee.*

DEAR SIR: Please request the Secretary of the Interior to produce to this committee as soon as possible:

1. The letter of Commissioner Dennett to L. R. Glavis referred to in telegram of May 2, 1908. Dennett to Glavis (S. Doc. 228). If original is not in General Land Office, the letter-press copy should be produced, and if that is not immediately available, any other copy.

2. The "report of facts" made by Mr. Glavis referred to in Commissioner Dennett's letter to Glavis of June 3, 1908 (S. Doc. 494).

3. The memorandum prepared by Mr. Murphy in pursuance of request of Mr. Schwartz of July 19, 1909 (S. Doc. 527).

Yours, truly,

LOUIS D. BRANDEIS.

THE NEW WILLARD,  
*Washington, D. C., April 20, 1910.*

HON. KNUTE NELSON,

*Chairman Joint Investigating Committee.*

MY DEAR SIR: I respectfully request that the Secretary of the Interior be requested to produce to your committee the following papers:

1. The reports showing carbon copy of letter, Glavis to Schwartz, Feb. 22, 1908, written from San Francisco—referred to in the telegram from Schwartz to Christensen, quoted in Christensen's letter to Schwartz of Feb. 2, 1910 (Test. 2792).

2. The affidavit of Curtis H. Lindley, referred to in his letter of Apr. 8, 1910 (Test. 3048).

3. The 73 reports of L. R. Glavis in the Alaska coal cases bearing date between "March 20 and the middle of April, 1909," referred to in the statement of H. H. Schwartz, S. Doc. 233.

4. The report of L. R. Glavis to H. H. Schwartz "of cases pending in this division," referred to in L. R. Glavis's daily report, Dec. 1, 1908 (Test. 873).

Yours, truly,

LOUIS D. BRANDEIS.

[Committee call.]

3242

UNITED STATES SENATE,  
Washington, D. C., April 21, 1910.HON. GEORGE W. WICKERSHAM,  
*Attorney-General of the United States.*

MY DEAR MR. ATTORNEY-GENERAL: Will you be kind enough to forward to the Joint Committee of Congress to Investigate the Department of the Interior and the Bureau of Forestry the papers in the files of your department relating to a charge against United States Marshal Love, of Alaska, with regard to feeding some prisoners.

Mr. Love recently appeared before this committee and testified concerning the Alaska coal cases, and these papers are desired by the committee for consideration in connection with his testimony.

Very respectfully,

KNUTE NELSON,  
*Chairman Joint Committee.*

WASHINGTON, D. C., April 21, 1910.

HON. KNUTE NELSON,  
*Chairman, etc., U. S. Senate.*

DEAR SIR: I beg to request that the Secretary of the Interior be directed to forward to the committee all papers relating to the discharge of John W. Dudley from the office of register of the U. S. land office at Juneau, Alaska, including among others affidavits of Arthur R. Bowman.

I shall be glad to have these papers delivered at once, as I understand Mr. Dudley is likely to testify to-morrow.

Very respectfully,

LOUIS D. BRANDEIS.

3415

WASHINGTON, D. C., April 23, 1910.

HON. KNUTE NELSON,  
*Chairman Joint Investigating Committee.*

DEAR SIR: I respectfully request that the Attorney-General be requested to produce to your committee the following papers:

1. The final draft (presumably typewritten) as submitted to the printer when first printed of the "Report and summary of the Attorney-General on the statement of L. R. Glavis and replies thereto relating to the conduct of the Interior Department in reference to the so-called Cunningham group of coal-land claims in Alaska," dated September 11, 1909, now appearing on pages 718 to 730, inclusive, of Senate Document 248, and like final draft as submitted to the printer when first printed of the "Summary by the Attorney-General," dated September 11, 1909, now appearing on pages 731 to 805, inclusive, of Senate Document 248.

2. All earlier drafts of said report and summary, and of said summary or of any parts thereof, and all memoranda made or used by the Attorney-General (or by any person who assisted him) in connection with the preparation of said report and summary or said summary.

3. All letters, telegrams, memoranda, and any other papers relating to or used in connection with the preparation of said "report and summary" or of said "summary" received by or sent by the Attorney-General or received by or sent by any person who assisted the Attorney-General in connection with said "summary" or said "report and summary," including, among others, any member of the Department of the Interior.

I also respectfully request that the Attorney-General be requested to furnish to your committee in writing the names of all persons who assisted in any way in the preparation of said "summary" or said "report and summary," including, among others, all legal assistants, stenographers, and copyists, and that the Attorney-General be requested to furnish also a memorandum showing

the dates on which each of such persons worked in connection with said "summary" or said "report and summary," and also showing which of said papers or what parts thereof were, in whole or in part, written or copied by them, respectively.

Yours, truly,

LOUIS D. BRANDEIS.

3542

WASHINGTON, D. C., April 27, 1910.

HON. KNUTE NELSON,  
*Chairman Joint Investigation Committee.*

DEAR SIR: Referring again to call for papers of Jan. 27, 1910, par. 22, my statement in relation thereto (testimony, pp. 2969-2974), my letter of Apr. 16, 1910 (testimony, p. 3137), and Secretary Ballinger's reply of April 22, 1910 (testimony, p. 3244). I respectfully call attention to the fact that Mr. Christensen's letter of Feb. 8, 1910, to Mr. Schwartz (testimony, 2814) refers to having sent certain papers "with my (Christensen's) letters to you (Schwartz) of February 4th and 5th, 1910."

The letter of February 4th appears on page 2807; no letter of Feb. 5th on this subject has been produced. The letter of Feb. 5th on page 2807 relates to entirely different papers.

I respectfully requested that Secretary Ballinger be asked to produce the letter of Christensen of Feb. 5, 1910, relating to these papers, *re* proposed criminal proceedings.

Yours, truly,

LOUIS D. BRANDEIS.

3543

WASHINGTON, D. C., April 27, 1910.

HON. KNUTE NELSON,  
*Chairman Joint Investigating Committee.*

DEAR SIR: I respectfully request that the Secretary of the Interior be requested to produce to this committee as soon as may be:

First. The following papers, being a part of the papers delivered by L. R. Glavis to A. C. Christensen, C. F. D., Nov. 5, 1909. (See testimony, pp. 2711-2714.) Originals to be produced wherever available, otherwise copies:

Nov. 14/07. Letter Glavis to H. H. Schwartz.  
 Nov. 22/07. Letter Schwartz to Glavis.  
 Jan. 15/08. Schwartz to Glavis (with inclosure).  
 Apr. 27/08. Schwartz to Glavis.  
 June 22/08. Dennett to Glavis.  
 July 20/08. Glavis to Schwartz.  
 July 27/08. Schwartz to Glavis.  
 Aug. 4/08. Patten to Glavis.  
 Aug. 6/08. Schwartz to Glavis.  
 Aug. 6/08 (copy). Dennett to Glavis.  
 Sept. 13/08. Glavis to Schwartz (original & carbon).  
 Sept. 11/08. Schwartz to Glavis.  
 Sept. 15/08. Schwartz to Glavis.  
 Oct. 14/08. Glavis to Schwartz.  
 Nov. 2/08. Glavis to Schwartz.  
 Nov. 23/08. Glavis to Schwartz.  
 Dec. 9/08. Doyle to Glavis.  
 Dec. 21/08. Patten to Glavis.  
 Jan. 4/09. Patten to Glavis.  
 Jan. 11/09. Patten to Glavis.  
 Jan. 18/09. Patten to Glavis.  
 Jan. 29/09. Glavis to Schwartz.  
 Feb. 19/09. Glavis to Ballinger.  
 Feb. 20/09. Ballinger to Glavis.  
 Mch. 5/09. Glavis to Schwartz.  
 Mch. 5/09. Glavis to Doyle.  
 April 24/09. Schwartz to Glavis.  
 May 24/09. Glavis to Atty. Genl.  
 May —/09. Glavis to Atty. Genl.  
 Second. Following paper delivered by C. R. Pierce to A. C. Christensen:  
 Nov. 8, 1909. (Test 2716).  
 Apr. 30/08. Kennedy to Glavis.

Third. All reports, letters, memoranda, and papers, whether official or personal, received from Edward A. Keys, special inspector of the Secretary of the Interior from May 1, 1909, to April 14, 1910.

Yours, truly,

LOUIS D. BRANDEIS.

3622

No. 1.

WASHINGTON, April 28, 1910.

HON. KNUTE NELSON,  
*Chairman Joint Investigating Committee.*

MY DEAR SIR: I respectfully request that each of the following persons, to wit, Don C. Carr, H. H. Schwartz, Fred Dennett, Frank Pierce, E. C. Finney, and F. W. Clements, be requested to produce to this committee the following papers:

Any letters, telegrams, memoranda, and other papers not heretofore produced received by him from or sent by him to the Attorney-General in connection with any investigation into the Glavis charges, so-called, or the Cunningham cases, so-called, or in connection with the preparation of or any matters contained in the so-called "Report and summary, by the Attorney-General, on the statement of L. R. Glavis, and replies thereto relating to the conduct of the Interior Department in reference to the so-called Cunningham group of coal claims in Alaska," dated September 11, 1909, now appearing in Senate Document 248, pages 718 to 730, inclusive, and the so-called "Summary of the Attorney-General," dated September 11, 1909, now appearing in Senate Document 248, pages 731 to 805, inclusive.

Special attention is called to the fact that among the papers requested are the papers submitted to the Attorney-General in November, 1909, and the drafts of the Attorney-General's "Report and summary" and of said "summary" and to the first copy of said Attorney-General's "Report and summary" and of said summary received by him.

This call is to be construed as requesting that copies of papers called for be produced if and in so far as originals are not available.

3623 If the committee or any member thereof is in doubt as to the propriety of allowing this request, I respectfully ask permission to be heard thereon.  
 Yours, truly,

LOUIS D. BRANDEIS.

No. 2.

WASHINGTON, April 28, 1910.

HON. KNUTE NELSON,  
*Chairman Joint Investigating Committee.*

MY DEAR SIR: I respectfully request that the Secretary of the Interior be requested to produce to this committee all letters, telegrams, memoranda, and other papers received by him from, and all letters, telegrams, memoranda, or other papers sent by him or submitted by him to the Attorney-General in connection with any investigation into the Glavis charges, so called, or the Cunningham cases, so called, or in connection with the preparation of or any matters contained in the so-called "Report and summary by the Attorney-General on the statement of L. R. Glavis and replies thereto relating to the conduct of the Interior Department in reference to the so-called Cunningham group of coal-land claims in Alaska," dated September 11, 1909, now appearing in Senate Document 248, pages 718 to 730, inclusive, and the so-called "Summary of the Attorney-General," dated September 11, 1909, now appearing in Senate Document 248 at pages 731 to 805, inclusive.

This call for papers is to be construed as including all papers, whether personal or official, also as including papers sent, or submitted, or received by any subordinate or assistant of Mr. Ballinger and all papers sent or received by any subordinate or assistant of the Attorney-General.

This call is also to be construed as requesting that copies be produced if and so far as originals may not be available.

Among papers requested the attention of Secretary Ballinger is called specifically to papers delivered by him to the Attorney-General in November, 1909, and to the first draft and also to the final draft of said "Report and summary" and said "Summary" received by him from the Attorney-General, also to the first copy of said "Report and summary" and of said "Summary" received by him from the Attorney-General.

If the committee, or any member thereof, is in doubt as to the propriety of allowing this request, I respectfully ask permission to be heard on its allowance.

Yours, truly,

LOUIS D. BRANDEIS.



3811

WASHINGTON, D. C., May 2, 1910.

HON. KNUTE NELSON,  
*Chairman Joint Investigating Committee.*

DEAR SIR: Will you please request the Secretary of the Interior to produce to your committee as soon as possible letter of R. A. Ballinger, Commissioner General Land Office, to Special Agent H. T. Jones, dated at Seattle, Wash., July, 1907, and sent to Juneau?

If original is not available now, copy should be supplied.

Yours, truly,

LOUIS D. BRANDEIS.

3691

WASHINGTON, D. C., May 3, 1910.

HON. KNUTE NELSON,  
*Chairman Joint Investigating Committee.*

DEAR SIR: I respectfully request that the Secretary of the Interior be requested to produce to your committee as soon as may be the following papers—copies being produced if originals are not available—and if all papers are not now available, that the papers be produced in installments as quickly as possible:

- (1) Telegram, H. T. Jones to G. L. O., Aug. 15, 1907.
- (2) Letter, H. T. Jones to G. L. O., Aug. 16, 1907.
- (3) Letter of instruction, Neuhausen to H. T. Jones, Aug. 20, 1907.
- (4) Letter of instruction, Neuhausen to H. T. Jones, Aug. 21, 1907.
- (5) Telegram, Schwartz to Glavis re Jones, about April 20, 1909. Referred to in letter of Glavis to Schwartz, April 27, 1909 (List 194).
- (6) Statement prepared by Cunningham, referred to in testimony 5603.

Yours, truly,

LOUIS D. BRANDEIS.

3811

MAY 5, 1910.

HON. KNUTE NELSON,  
*Chairman Joint Investigation Committee.*

DEAR SIR: We respectfully request that the Secretary of Agriculture be directed to produce the following papers:

All papers on file in the Forest Service relating to the matters complained of in the letters appearing upon pages 3418-3427 of the record.

381 If permission is given to us or our representative to consult with the officials of the Forest Service and with them inspect the files, we can point out the particular documents which we desire produced under this call.  
 Respectfully,

GEO. W. PEPPER,  
 NATHAN A. SMYTH,  
*Counsel for Gifford Pinchot.*

4091

MAY 7, 1910.

HON. KNUTE NELSON,  
*Chairman Joint Investigating Committee.*

DEAR SIR: I respectfully request that the Secretary of the Interior be requested to produce to this committee the following papers:

Manual of instructions to special agents.

Letters of instructions to special agents in re Doogan and Devine entries, Oregon field division, Lakeview district.

Letter to Special Agent H. T. Jones in re 8254. The Dalles Oregon land district of Thos. W. Calbreath.

Letter of H. K. Love to register and receiver on to General Land Office, July 24, 1907.

Yours, truly,

LOUIS D. BRANDEIS.

(Copies to be produced if originals not now available.)

4092

WASHINGTON, May 7, 1910.

HON. KNUTE NELSON,  
*Chairman Joint Investigating Committee.*

DEAR SIR: From answers given by Secretary Ballinger on cross-examination (pp. 3865-3867), it appears, that after the visit of Secretary Ballinger and Mr. Lawler to the President at Beverly (Sept. 6-8, 1909), when they delivered to him the answers of Messrs. Ballinger, Pierce, Dennett, and Schwartz, and accompanying documents, Mr. Lawler returned to Beverly (about Sept 11th, 1909) at the request of the President, taking with him a memorandum, which Mr. Lawler had prepared, "covering a sort of résumé" of the Glavis charges, "as set out in the records," and that this memorandum had been submitted by Mr. Lawler to Mr. Ballinger before taking it to Beverly.

From examination of Sen. Doc. 248 it appears that this memorandum was not included in the documents sent by the President to the Senate in pursuance of the resolution of December 21, 1909.

I respectfully request that Mr. Lawler be requested to produce to the committee a copy of said memorandum, and that if he is unable to produce such memorandum that the President be requested to transmit said memorandum to this committee.

If any member of your committee is in doubt as to the advisability of complying with this request, I respectfully ask that I may be heard on its allowance, and, as I desire to use said memorandum (or a copy thereof) on the cross-examination of Secretary Ballinger, now in process, I venture to suggest that I be so heard at the next hearing, to wit, May 10, 1910.

Very truly, yours,

LOUIS D. BRANDEIS.

4187

WASHINGTON, D. C., May 12, 1910.

HON. KNUTE NELSON,  
*Chairman Joint Investigating Committee.*

DEAR SIR: I respectfully request that the Secretary of the Interior be requested to produce to this committee the following papers:

1. All letters and telegrams, whether official or personal, which passed between Mr. Ballinger and Mr. Dennett or Mr. Schwartz between June 16, 1907, and September 1, 1907, relating to the investigation of Alaska coal-land claims by H. T. Jones or to said lands, or which passed between any of them and T. B. Neuhausen or any other person on said subject, including, among other papers, the letters or telegrams relating to the work undertaken by said Jones in connection therewith or the suspension or discontinuance of the investigation, or relating to the proposed transfer of said Jones to Utah, referred to in telegram of August 12, 1907. (Test., p. 4006.)

2. Letter of George E. Wightman, dated September 14, 1909, to the Commissioner of the General Land Office (or other official) and the answer of Commissioner Dennett thereto, and all other correspondence and other papers relating to the subject-matter of said letter.

3. All letters, official or personal, between Mr. Ballinger and R. H. Thompson, of Seattle, relating to his proposed appointment as Director of the Reclamation Service.

4188 4. All papers relating to Alaska coal-land claims or legislation relating thereto, whether personal or official, not already produced, now or formerly included in Mr. Ballinger's file No. 8, or other "confidential numbered files," said files being referred to in telegram Carr to Pierce, August 27, 1909, (Test., 2053.)

5. Letter of Mr. Massey to Mr. Ballinger, referred to in letter of Mr. Ballinger to Mr. Pierce August 26, 1909. (Test., 2052.)

Yours, truly,

LOUIS D. BRANDEIS.

4289

WASHINGTON, D. C., May 13, 1910.

HON. KNUTE NELSON,  
*Chairman Joint Investigating Committee.*

DEAR SIR: Referring to my letter to you of May 7, 1910 (testimony, p. 4092), and Mr. Lawler's reply of May 11, 1910 (testimony, p. 4137), I write, pursuant to your suggestion (testimony, p. 4140), to respectfully request that the Attor-

ney-General be requested to produce to this committee the so-called memorandum prepared by Mr. Lawler at the request of the President. I further respectfully request that the Attorney-General be asked to state in writing—

1. When he first received said memorandum.

2. Whether said memorandum has been in his possession continuously since it was first received by him; and if not, what disposition was made of it from time to time.

If the memorandum is not now in the Attorney-General's possession, I respectfully request that a copy be furnished by him, and that he state in writing when and under what circumstances the memorandum was seen by him, and where, according to his best information, it now is.

Attention is called to the following letters of the Attorney-General to you, namely:

March 16, 1910, testimony, 1933.

March 23, 1910, testimony, 2110.

April 12, 1910, testimony, 3048.

Yours, truly,

LOUIS D. BRANDEIS.

WASHINGTON, D. C., May 13, 1910.

HON. KNUTE NELSON,

*Chairman Joint Investigating Committee.*

DEAR SIR: Referring to my letter of May 7, 1910 (testimony, p. 4092), and Mr. Lawler's reply of May 11, 1910 (testimony, p. 4137), I respectfully request that Mr. Don M. Carr be requested to produce to your committee a copy of the memorandum referred to in said letters. If Mr. Carr is unable to produce a copy of said memorandum I respectfully request that he be asked to state in writing—

(1) Whether he has not had in his possession heretofore a copy, or a substantial copy, or draft of the whole or some part of said memorandum; (2) What disposition was made of said copy or draft.

3. When he last saw said copy or draft and where it was when he so saw it.

4. Where, according to the best of his knowledge, information, and belief, said copy or draft now is, or, if it has been destroyed, when it was destroyed and by whom and under what circumstances.

Yours, truly,

LOUIS D. BRANDEIS.

4290

WASHINGTON, D. C. May 13, 1910.

HON. KNUTE NELSON,

*Chairman Joint Investigating Committee.*

MY DEAR SIR: I respectfully request that the Secretary of the Interior be requested to produce to your committee all papers, including, among others, stenographic reports of hearings, relating to the charges filed against Samuel J. Colter in 1908 and 1909.

Yours, truly,

LOUIS D. BRANDEIS.

#### Responses to Calls for the Production of Documents.

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UNITED STATES DEPARTMENT OF AGRICULTURE,

OFFICE OF THE SOLICITOR,

Washington, D. C., February 2, 1910.

HON. KNUTE NELSON,

*Chairman Joint Committee of Congress.*

*United States Senate, Washington, D. C.*

SIR: Your letter of February 1, 1910, addressed to the Forester, relative to an affidavit mentioned by L. R. Glavis in his testimony before your committee, has been referred to me for attention, in view of the fact that all the papers in the possession of this department relative to the matter before your committee are in my office for use in the preparation of a digest thereof.

In compliance with your request I inclose herewith the affidavit in question.

Very respectfully,

GEO. B. McCABE, *Solicitor.*

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
Washington, D. C., February 4, 1910.

*Schedule of papers called for by Senate Joint Committee in lists dated January 29, 1910, and February 1, 1910.*

1. Paragraph 2. January 29, 1910.

(a) Copy of letter of Agent L. R. Glavis to commissioner, November 5, 1907, inclosing report of Agent H. T. Jones, dated November 1, 1907, and memorandum of H. H. S. to Murphy, "Hold pending further advice;" attached.

2. Paragraph 4. January 29, 1910.

(a) Agent H. K. Love's daily reports from June 15, 1907, to September, 1908.

(b) Agent H. T. Jones's reports from June 15, 1907, to December 31, 1909.

(c) Agent S. N. Stoner's daily reports from March, 1908, to May, 1908, and March, 1909, to December, 1909.

634 (d) Agent A. Kennedy's daily reports from March, 1908, to May, 1908, and March, 1909, to December, 1909.

(e) Agent A. R. Bowman's daily reports from April 4, 1909, to December, 1909. (Special Agent Bowman did not enter upon duty until April 4, 1909.)

(f) Agent Gery's daily reports from June, 1909, to September, 1909.

(g) Agent L. R. Glavis's daily reports and expense account from March, 1907, to September, 1909.

3. Paragraph 6. January 29, 1910.

Copies of telegrams to Agent Glavis, dated November 26, 1907, and December 6, 1907. Telegram of Western Union Telegraph Company, of November 27, 1907, stating the telegram of November 26, 1907, was undelivered, and copy of personal letter from Assistant Commissioner Dennett to Glavis, dated November 27, 1907.

4. Paragraph 11. January 29, 1910.

Copies of Commissioner Richards's letter to the Secretary, dated April 3, 1906; Agent H. K. Love's letter to the commissioner, April 25, 1906; Acting Commissioner Pollock's letter to Agent Love, June 20, 1906; Agent Love's letter to commissioner, December 6, 1906; Commissioner Ballinger's letter to Agent Love, April 26, 1907; Agent Love's letter to commissioner, May 8, 1907; Assistant Commissioner Dennett's letter to Agent Love, May 27, 1907; Assistant Commissioner Dennett's letter to Agent Love, September 19, 1907; Assistant Commissioner Dennett's letter to Agent Love, October 3, 1907; Agent Glavis's letter to commissioner, January 22, 1908; Secretary Garfield's letter to William Loeb, jr., February 7, 1908; Agent Love's letter to the Secretary, through the commissioner, March 15, 1908; David M. Goodrich's letter to Agent Love, March 4, 1908; letter of H. N. Jasper, Jr., to H. A. Brown, confidential clerk, Secretary's office, March 10, 1908; Commissioner Dennett's letter to Agent Glavis, March 14, 1908; Agent Glavis's letter to the commissioner, March 23, 1908, and, attached thereto, Agent H. T. Jones's affidavit, dated March 19, 1908; Commissioner Dennett's letter to Agent Love, April 1, 1908; Agent Love's letter to the commissioner, April 16, 1908; commissioner's letter to Agent Love, April 28, 1908; Agent Love's letter to the Secretary, May 13, 1908; Agent Love's letter to Hon. R. A. Ballinger, April 28, 1908; Hon. R. A. Ballinger's letter to Agent Love, May 4, 1908; Agent Love's letter to Hon. R. A. Ballinger, May 12, 1908.

5. Paragraph 13. January 29, 1910.

Copy of Assistant Commissioner Dennett's letter to Agent S. J. Colter, September 24, 1907; Commissioner Dennett's telegram to Agent Colter, October 15, 1909; Agent Colter's letter to H. H. Schwartz, October 20, 1909, and copy of receipt of papers and files in Alaska coal cases turned over to S. J. Colter by A. R. Bowman on October 20, 1909, at Chicago; Agent S. J. Colter to H. H. Schwartz, October 29, 1909—letter; Agent S. J. Colter to commissioner, November 17, 1909; Commissioner Dennett's letter to Agent Colter, December 3, 1909; Commissioner Dennett's letter to Agent Colter, November 4, 1909; Assistant Chief of Field Service Underwood's letter to Agent Colter, October 18, 1909; commissioner's letter to Agent Colter, November 20, 1909; telegram Agent Colter to commissioner, November 17, 1909; Commissioner Dennett's telegram to Agent Colter, November 17, 1909; Agent Colter's letter to commissioner, October 22, 1907; affidavits of George W. Miller and Walter F. Wandke and Lulu Drake, sworn to before Agent Colter, October 14, 1907.

## 6. Paragraph 16.

Original telegram of H. K. Love to commissioner, January 11, 1908, with the original envelope in which it was filed, on which is memorandum by Mr. Carr.

## 7. Paragraph 18.

Original patents on coal entry 17, William E. Miller; coal entry 19, B. C. Riblet; coal entry 21, Alfred Page; coal entry 23, Frederick Burbidge; coal entry 28, Walter B. Moore; coal entry 29, Arthur D. Jones; memorandum dated January 29, 1910; being copy of note appearing on Division B docket of cases to be patented; 3 lot slips each headed "Land Office, Juneau, Alaska."

## 8. Paragraph 19.

Copy of telegram of Commissioner Ballinger to Special Agent Love, January 7, 1908.

## 9. Paragraph 20.

Copy of Commissioner Ballinger's telegram to Agent Love, January 4, 1908; original telegram from Agent Love to commissioner, January 6, 1908, with envelope 08-3114.

## 10. Paragraph 23.

Telegram of L. R. Glavis to commissioner, April 10, 1908, with memoranda for filing made by Chief Division "N;" copy of Commissioner Dennett's telegram to Agent Glavis, April 13, 1908; copy Commissioner Dennett's letter to Agent Glavis, June 3, 1908.

## 11. Paragraph 1. February 1, 1910.

Original drafts of patent on coal entries 17 and 19.

## 635 12. Paragraph 2. February 1, 1910.

Original lists Nos. 184, 185, and 186 of Mineral Division to Division B.

## 13. Paragraph 3. February 1, 1910.

Original letter of Agent Love to commissioner, February 17, 1907 (07-35777).

## 14. Paragraph 4. February 1, 1910.

Original letter of Forester Pinchot to commissioner, March 15, 1907 (07-44667).

## 15. Paragraph 5. February 1, 1910.

Original letter of Forester Pinchot to Commissioner Ballinger, March 26, 1907 (07-52060).

## 16. Paragraph 6. February 1, 1910.

Original letter Commissioner Ballinger to Secretary, April 24, 1907.

## 17. Paragraph 7. February 1, 1910.

Original letter of Forester Pinchot to Commissioner Ballinger, May 6, 1907 (07-81363).

## 18. Paragraph 8. February 1, 1910.

Original letter Commissioner Ballinger to Secretary, May 10, 1907.

## 19. Paragraph 9. February 1, 1910.

Copies of proclamations by the President, dated July 23, 1907, September 18, 1907, and February 23, 1909.

## 20. Paragraph 10. February 1, 1910.

Copies of H. R. bill 11490 and letter of Paul H. Sroat, W. B. Moore, W. L. Wells, committee of Siletz settlers, to Secretary Ballinger, August 4, 1909; letter of Finney to Hon. Secretary, no date; Secretary Ballinger's letter to Senator George E. Chamberlain, January 10, 1910; Secretary Ballinger's letter to Morse, Wells, and Sroat, September 9, 1909; letter of J. O'B. Scobey to Hon. R. A. Ballinger, January 6, 1910; letter of Hon. R. A. Ballinger to J. O'B. Scobey, January 12, 1910; newspaper clipping entitled "Other Side Told in Siletz Dispute," Portland Oregonian, January 2, 1910; newspaper clipping entitled "Hawley is Friend. Has Bill Pending to aid bona fide Siletz Settlers," same date; newspaper clipping headed "Siletz. Contests will be Delayed. Ballinger Issues Order after Talk with Oregon Delegation," dated January 5, 1910; newspaper clipping headed "Proposed Law is Radical. Senator Nelson would make changes in Land Legislation," dated January 5, 1910; original letter of Tracy Newman to Mr. Pierce, January 10, 1910; copy of Assistant Secretary's letter to Tracy Newman, January 19, 1910; copy of H. R. bill 11490; original letter of Hon. W. C. Hawley to Secretary Ballinger, December 2, 1909; copy of Secretary Ballinger's letter to Hon. W. C. Hawley, December 3, 1909; original letter of A. W. Lafferty to Secretary Ballinger, December 14, 1909; original letter A. W. Lafferty to Secretary of the Interior, December 14, 1909; copy of Secretary Ballinger's letter to A. W. Lafferty, December 20, 1909; copy of Secretary Ballinger's letter to Hon. W. C. Hawley, January 12, 1910.

HON. KNUTE NELSON,  
*Chairman Joint Committee of Congress.*

SIR: Complying with request contained in your communication of February 1, 1910, inclosing a list of copies of documents, correspondence, etc., in the files of this department which the Joint Committee of Congress, created by H. J. Resolution 103, Public No. 9, desire produced for its use in the investigations now in progress, I hand you herewith:

1. (a) Copies of records and papers in the Department of the Interior, General Land Office, relating to the Cunningham Alaska coal cases from August 24, 1909, to February 15, 1910. (Correspondence relating to said cases prior to that time is printed in Senate Document No. 248.) (b) Copies of papers and letters in the Department of the Interior and the General Land Office relating to application of W. G. Whorf for the Port Graham coal claim, Survey No. 315, Cook Inlet, Alaska. (The proof papers in this case have not been received from the local land office.) (c) Copies of records and papers in the Department of the Interior and the General Land Office relating to the Alaska Petroleum and Coal Company and its application for coal lands in Alaska. (d) Copies of records and papers in the Department of the Interior and the General Land Office relating to the so-called Hartline group of coal claims. (e) Copies of records and papers in the Department of the Interior and the General Land Office relating to the so-called Green group. (f) Copies of correspondence between Mr. R. A. Ballinger and Mr. M. P. Kinkaid with reference to Mr. Kinkaid's purchase of an interest in the Green group. (g) Copy of letter 636 from Mr. R. A. Ballinger to Mr. Harry White, November 17, 1908, with reference to construction of Alaska coal act of May 28, 1908. (h) Copy of part of status record of Special Agent H. K. Love relating to his Alaskan duties. (i) Copy of private file of Mr. R. A. Ballinger containing copies of correspondence with former Special Agent H. K. Love. (j) Copy of reports filed in the General Land Office by Special Agent H. T. Jones, August 10, August 13, and November 1, 1907.

2. (a) Copy of file No. 2-6, Department of the Interior, containing communications and papers on file relating to railroad right-of-way applications along the Deschutes River, Oregon. (b) Copy of material records and papers on file in the General Land Office relating to railroad right-of-way applications along the Deschutes River, Oregon, including decision of Secretary Ballinger, April 21, 1909.

The papers transmitted have, so far as possible, been arranged in orderly sequence, with tables of contents attached. The other papers and records called for in your communication and specified in the accompanying memorandum are being collected and will be furnished to the committee as promptly as circumstances will permit.

Very respectfully,

R. A. BALLINGER, *Secretary.*

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
Washington, D. C., February 7, 1910.

HON. KNUTE NELSON,  
*Chairman Joint Committee on Investigation of the Department of the Interior and Forest Service, United States Senate.*

MY DEAR SENATOR: I send you herewith correspondence had between Mr. Ballinger and myself from March 4, 1908, to March 4, 1909. I have been unable to find the original letter under date of March 31, 1908. I asked Secretary Ballinger if he could not furnish me with a copy of the original letter which he wrote me, and he did so, and this is the copy which I hand you herewith. If I can discover any further correspondence passing between Mr. Ballinger and myself during the time in question, I will immediately send same to your committee.

Very respectfully,

FRED DENNETT, *Commissioner.*

THE SECRETARY OF THE INTERIOR.  
Washington, February 8, 1910.

HON. KNUTE NELSON,  
Chairman Joint Committee of Congress.

SIR: Complying with request contained in your communication of February 1, 1910, inclosing a list of copies of documents, correspondence, etc., in the files of this department, which the joint committee of Congress, created by House joint resolution 103, Public No. 9, desire produced for its use in the investigation now in progress, I have the honor to hand you herewith:

1. Copy of records and papers in the General Land Office and the Department of the Interior relating to the so-called "Doughten group" of Alaska coal claims.

2. Copy telegram Commissioner Ballinger to Special Agent Love, January 4, 1908, with reference to report on certain entries of the Cunningham groups.

3. Copy report Special Agent Love, November 12, 1907, on Juneau coal entry No. 5 to Ignatius Mullen.

4. Copy of Interior Department file No. 2-24, 1, 2, 3, and Exhibit "A," containing letters and correspondence relating to Alaska coal lands from May 16, 1907, to December 28, 1909.

5. Copy of Interior Department file No. 2-107, parts 3 and 4, relating to coal-land legislation, covering the period from November 23, 1907, to February 11, 1909.

6. Copy of letters to Attorney-General in re cooperative certificates for reclamation work, act June 17, 1902, and copy of opinions of the Attorney-General of May 26 and September 9, 1909, and of the Comptroller of the Treasury, November 11, 1909.

1. (a) Copy of Interior Department file No. 2-115, relating generally to water-power sites and covering the period from December 14, 1906, to November 16, 1909. (b) Copy of Interior Department file No. 2-115, parts 1, 2, and 3, water-power site withdrawals, covering the period from October 24, 1908, to December 30, 1909. (c) Copy Interior Department file No. 2-115, water-power restoration, covering the period from March 4, 1909, to December 30, 1909.

Tables of contents have been attached to each of the files submitted.

Very respectfully,

R. A. BALLINGER, *Secretary.*

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OFFICE OF THE SECRETARY OF THE INTERIOR,  
Washington, February 12, 1910.

HON. KNUTE NELSON,  
Chairman Joint Committee of Congress.

SIR: In further compliance with your letter of February 12, 1910, I have the honor to transmit herewith the papers specified in paragraph 17 of the printed schedule accompanying same, viz:

Copy of letter from Mr. Gifford Pinchot to Mr. R. G. Valentine, Commissioner of Indian Affairs, dated October 7, 1909, and copy of Mr. Valentine's reply thereto, dated October 8, 1909, with copy of opinion of the Comptroller of the Treasury dated September 3, 1908.

Very respectfully,

R. A. BALLINGER, *Secretary.*

THE SECRETARY OF THE INTERIOR,  
Washington, February 12, 1910.

HON. KNUTE NELSON,  
Chairman Joint Committee of Congress.

SIR: I have the honor to acknowledge receipt of your letter of February 12, 1910, containing list of documents and papers called for by attorney for Mr. Gifford Pinchot.

In reply I have to advise as follows:

1. Copy of letter from Representative Mondell to Secretary Garfield, February 25, 1909, and copy of letter of Director Newell to Mr. Mondell, February 23, 1909, both with reference to withdrawal of lands in Wyoming under the reclamation act, will be found on pages 10 and 11 of part 1, file 2-115. Water-power site—General, submitted to the committee February 8, 1910. So far I have been unable to locate copy of letter alleged to have been written March 2,

1909, by Secretary Garfield to Representative Mondell. If found, same will be promptly furnished.

2. Copies of all recommendations by the Reclamation Service to the Secretary of the Interior looking to the restoration of lands withdrawn for power-site purposes are contained in part 1, file 2-115, Water-power sites—Restorations, furnished to the committee February 8, 1910.

3, 4, 5, and 6. Will be furnished as soon as they can be located.

7. Copy of brief in favor of executive withdrawals, submitted March 20, 1909, by the Reclamation Service, will be found on pages 13 to 17, part 1, file 2-115, Water-power sites—General, furnished to the committee February 8, 1910.

8. Will be furnished as soon as possible.

9. Copy of letter of April 20, 1909, directing the Director of the Geological Survey to investigate water-power sites with a view to temporary withdrawals, will be found on page 30, file 2-115, part 1, Water-power sites—General, furnished to the committee February 8, 1910. The records do not indicate that this letter was first directed to the Reclamation Service.

10. Letter May 10, 1909, from James R. Garfield to the Forester is not in this Department. It is presumably either in the files of the Forest Service or in the personal possession of Mr. Pinchot.

11. Copy of letter Secretary Ballinger to the Attorney-General asking for opinion as to ranger station withdrawals will be furnished as soon as possible.

12. Have been called for and will be furnished as soon as possible.

13. Have been called for and will be furnished as soon as possible.

14. Not in this department. Presumably on file in the Forest Bureau.

15. Not in this department. Presumably on file in the Forest Bureau.

16. Report of Forester to Secretary of Agriculture, July 23, 1909. Copy will be found on pages 66 to 86, file 5-152, part 1, transmitted herewith.

17. Has been called for and will be transmitted as soon as received.

18. Herewith is transmitted file 5-152, parts 1 and 2, containing copies of entire correspondence relating to the Indian reservation—Forestry cooperative agreement.

19. I know of no letters written by myself, my private secretary, or anyone else on my behalf in "December, 1909, and January, 1910, to publishers, editors, or reporters of newspapers asking or suggesting the communication to this committee of complaints against the Forest Service."

Since receipt of your letter, Mr. D. M. Carr, my private secretary, has shown me copy of a letter which he addressed, without my knowledge, to George Sherman, editor of the Montgomery Times, Mount Ida, Ark., and I transmit copy herewith, together with copies of the official correspondence had with Mr. Sherman.

Very respectfully,

R. A. BALLINGER, *Secretary.*

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DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,  
OFFICE OF THE COMMISSIONER,  
Washington, February 14, 1910.

HON. KNUTE NELSON,  
*United States Senate.*

MY DEAR SENATOR: I am forwarding to you carbon copies which I have found of letters dictated by me between March 4, 1908, and March 4, 1909. As I stated before, the stenographer's notebooks were not retained; this is the best I can do.

Very respectfully,

FRED DENNETT,  
*Commissioner.*

1908.

Aug. 7. Fred Dennett to Ralph H. Cameron.  
Aug. 12. Fred Dennett to W. A. Sturges.  
Aug. 12. Fred Dennett to W. A. Sturges.  
Aug. 13. Fred Dennett to F. A. Twichell.  
Aug. 17. Fred Dennett to M. D. McEnery.  
Aug. 21. Fred Dennett to H. F. Hunter.  
Aug. 24. Fred Dennett to F. A. Twichell.



## 1908.

Aug. 25. Fred Dennett to B. Prom.  
 Aug. 28. Fred Dennett to James T. Macey.  
 Aug. 31. Fred Dennett to Ralph H. Cameron.  
 Sept. 2. Fred Dennett to H. F. Hunter.  
 Sept. 4. Fred Dennett to M. S. Sletz.  
 Sept. 4. Fred Dennett to P. J. McCumber.  
 Sept. 15. Fred Dennett to T. F. Marshall.  
 Sept. 23. Fred Dennett to Henry E. Reed.  
 Sept. 24. Fred Dennett to E. J. Turner.  
 Nov. 3. Fred Dennett to Joe Mitchell Chapple.  
 Nov. 16. Fred Dennett to Miss Irene Farup.  
 Nov. 16. Fred Dennett to National Organization Alpha Phi.  
 Nov. 16. Fred Dennett to F. P. Knott.  
 Nov. 18. Fred Dennett to F. A. Twichell.  
 Nov. 21. Fred Dennett to Miss Angier.  
 Nov. 25. Fred Dennett to Samuel M. Croft.  
 Nov. 27. Fred Dennett to S. M. Meek.  
 Nov. 27. Fred Dennett to John M. Boutwell.  
 Nov. 28. Fred Dennett to Mr. Gardner.  
 Nov. 28. Fred Dennett to Frank H. Hitchcock.  
 Dec. 7. Fred Dennett to William Loeb, jr.  
 Dec. 10. Fred Dennett to M. H. Brennan.  
 Dec. 10. Fred Dennett to John Burke.  
 Dec. 15. Fred Dennett to E. F. Bladwin.  
 Dec. 15. Fred Dennett to Emory R. Johnson.  
 Dec. 18. Fred Dennett to H. F. Hunter.  
 Dec. 26. Fred Dennett to Henry B. F. Macfarland.  
 Dec. 29. Fred Dennett to A. G. Elston.  
 Dec. 29. Fred Dennett to E. F. Bladwin.  
 Dec. 30. Fred Dennett to W. W. Washburn, jr.

## 1909.

Jan. 18. Fred Dennett to Harry F. Hunter.  
 Jan. 18. Fred Dennett to N. C. Young.  
 Jan. 18. Fred Dennett to Thomas Cooper.  
 Jan. 22. Fred Dennett to Reed Smoot.  
 Jan. 26. Fred Dennett to R. H. Cameron.  
 Jan. 26. Fred Dennett to C. J. Bonaparte.  
 Jan. 27. Fred Dennett to F. P. Knott.  
 Jan. 28. Fred Dennett to Ralph H. Cameron.  
 Jan. 28. Fred Dennett to Frank A. Twichell.  
 Feb. 2. Fred Dennett to Wm. H. Rideing.  
 Feb. 15. Fred Dennett to C. J. Bonaparte.  
 Feb. 16. Fred Dennett to Wm. H. Rideing.  
 Feb. 20. Fred Dennett to J. H. Ballinger.  
 Feb. 20. Fred Dennett to Percy F. Smith.  
 Feb. 20. Fred Dennett to Frank L. Spalding.  
 Feb. 25. Fred Dennett to E. A. Hartley.  
 Feb. 26. Fred Dennett to Emory R. Johnson.  
 Mar. 3. Fred Dennett to Brainard Avery.

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DEPARTMENT OF THE INTERIOR,  
 GENERAL LAND OFFICE,  
 Washington, D. C., February 14, 1910.

*Schedule of papers called for by Senate joint committee in lists dated January 29, 1910, and February 1, 1910.*

Paragraph 4. January 29, 1910.

(h) Daily report book of A. R. Bowman, April 4, 1909, to June 30, 1909.

(i) Daily report book of Raymond E. Gery, April 24, 1909, to June 30, 1909.  
 L. R. Glavis, November 1, 1906, to April 30, 1908. Horace T. Jones, March 28,

1906, to June 15, 1909. Andrew Kennedy, January 25, 1908, to December 24, 1909. S. N. Stoner, January 1, 1908, to June 30, 1909.

Paragraph 9. Carbon copy of personal letter of Louis R. Glavis to H. H. Schwartz, February 27, 1908, at Portland, Oreg. This carbon was delivered to Agent Christensen by Glavis on November 5, 1909, and Mr. Schwartz has no recollection other than this of the letter.

Paragraph 22. Letter from United States Attorney Elmer E. Todd to Louis R. Glavis, May 18, 1908.

WASHINGTON, D. C., *February 14, 1910.*

Following papers received from the Department of the Interior through Mr. Vertrees:

(1) Letter of R. A. Ballinger to register and receiver United States land office, Juneau, Alaska, December 23, 1908, with copy of letter of Commissioner Dennett to R. A. Ballinger, December 17, 1908, attached.

(2) Letter of Clarence Cunningham to register and receiver United States land office, Juneau, Alaska, September 26, 1907.

(3) Letter of Clarence Cunningham to P. M. Mullen, Juneau, Alaska, December 11, 1907.

(4) Telegram from Clarence Cunningham to register and receiver United States land office, Juneau, January 8, 1908.

(5) Letter of Clarence Cunningham to J. W. Dudley, March 10, 1908.

(6) Letter of Clarence Cunningham to register and receiver United States land office, Juneau, Alaska, March 14, 1908.

(7) Letter of Clarence Cunningham to register and receiver United States land office, March 19, 1908.

(8) Letter of Clarence Cunningham to P. M. Mullen, Juneau, Alaska, April 13, 1908.

(9) Letter of Clarence Cunningham to J. W. Dudley, Juneau, Alaska, May 9, 1908.

(10) Letter of James D. Finch to register United States land office, June 3, 1908.

(11) Letter of Walter M. French to J. W. Dudley, Juneau, Alaska, April 19, 1909.

(12) Letter of M. A. Green to Hon. John W. Dudley, Juneau, Alaska, January 7, 1909.

(13) Letter of M. A. Green to Hon. John W. Dudley, Juneau, Alaska, April 23, 1909.

(14) Letter of H. R. Harriman to Hon. John W. Dudley, United States land office, Juneau, Alaska, March 12, 1908.

(15) Letter of Arthur D. Jones to P. M. Mullen, receiver and special district agent, United States land office, Juneau, Alaska, January 7, 1908.

(16) Letter of Arthur D. Jones & Co. to P. M. Mullen, receiver, United States land office, Juneau, Alaska, January 11, 1908.

(17) Letter of Wendell McLaughlin to recorder United States land office, Juneau, Alaska, December 31, 1906.

(18) Letter of Thomas Payne to Hon. John W. Dudley, register, United States land office, Juneau, Alaska, August 3, 1907.

(19) Letter of Wm. Sulzer to register, general land office, Juneau, Alaska, May 23, 1908.

(20) Letter (unsigned) to register and receiver, land office, Juneau, Alaska, April 3, 1908.

(21) Letter of A. H. Wheatley to Hon. P. M. Mullen, receiver, general land office, Juneau, Alaska, January 4, 1907.

(22) Letter of A. H. Wheatley to Hon. P. M. Mullen, receiver, general land office, Juneau, Alaska, December 30, 1907.

(23) Letter of W. S. Yearsley to register, land office, Juneau, Alaska, December 23, 1907.

(24) Copy of letter of Clarence Cunningham to register and receiver, United States land office, Juneau, Alaska, January 15, 1908.

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
Washington, D. C., February 15, 1910.

*Schedule of papers called for by Senate Joint Committee in lists dated January 29, 1910, and February 1, 1910.*

Paragraph 3. Original letter of L. R. Glavis to Commissioner, November 12, 1907, and all other papers relating to soldier's additional final certificate No. 69, Juneau.

Paragraph 4. Daily report book of Agent Horace T. Jones from June 16, 1909, to June 30, 1909.

Paragraph 8. Letters and papers which were in the Juneau Alaska, land office relating to the Cunningham claims:

George W. H. White, April 20, 1905.  
Torger A. Feed, June 1, 1905.  
A. H. Stracey, June 3, 1905.  
Torger A. Feed, June 4, 1905.  
A. H. Stracey, June 12, 1905.  
A. H. Stracey, June 12, 1905.  
A. H. Stracey, June 12, 1905.  
Torger A. Feed, June 19, 1905.  
W. V. Rinehart, July 3, 1905.  
A. H. Stracey, July 11, 1905.  
Torger A. Feed, July 11, 1905.  
P. L. Petersen, July 11, 1905.  
Torger A. Feed, July 11, 1905.  
Walfred Dalgren, July 13, 1905.  
Torger A. Feed, July 15, 1905.  
W. V. Rinehart, July 17, 1905.  
W. V. Rinehart, August 1, 1905.  
M. A. Green, August 8, 1905.  
W. V. Rinehart, August 9, 1905.  
Torger A. Feed, August 15, 1905.  
W. V. Rinehart, August 31, 1905.  
Torger A. Feed, September 2, 1905.  
W. V. Rinehart, September 8, 1905.  
Charles F. Munday, September 14, 1905.  
W. V. Rinehart, October 6, 1905.  
C. Christopher, October 27, 1905.  
C. Christopher, November 1, 1905.  
S. C. Chezum, October 30, 1905.  
J. H. Caldwell, November 23, 1905.  
C. Christopher, December 7, 1905.  
A. H. Stracey, December, 12, 1905, and list of 35 names.  
C. Christopher, January 10, 1906.  
C. Christopher, January 25, 1906.  
O. L. Willoughby, February 18, 1907.  
M. A. Green, February 19, 1907.  
W. V. Rinehart, February 21, 1907.  
E. J. Rathbun, February 25, 1907.  
E. J. Rathbun, February 25, 1907.  
M. A. Green, April 24, 1907.  
Morris D. Leehey, May 16, 1907.  
E. J. Rathbun, June 15, 1907.  
M. A. Green, June 20, 1907.  
W. V. Rinehart, August 2, 1907.  
Archie W. Shiels, August 24, 1907.  
G. T. Barrett, October 30, 1907.  
Phillip McElhone, May 1, 1908.  
Truman G. Palmer, May 19, 1908.  
George Simmonds, May 22, 1908.  
E. C. Mears, July 8, 1908.  
S. C. Chezum, September 26, 1908.  
Charles F. Munday, December 17, 1908.  
M. A. Green, December 26, 1908.  
Charles F. Munday, March 31, 1909.

S. O. Morford, April 2, 1909.

641 H. Harriman, April 2, 1909.

Raymond Brown, May 13, 1909.

Paragraph 14. Original report of H. T. Jones to L. R. Glavis, dated December 2, 1907.

Paragraph 17. All the papers relating to the grants of rights of way to the Des Chutes River Railroad Company, including land office papers in serial The Dalles 01309. These papers were listed on February 1, 1910, but copies of the entire record were made to be retained in the files of the land office, and such copies were not finished until the afternoon of February 14, 1910.

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THE SECRETARY OF THE INTERIOR,  
*Washington, February 16, 1910.*

SIR: In accordance with the request contained in your letter of January 29, 1910, I have the honor to submit herewith:

(1) Unsigned copy of interview of Watson Allen by Special Assistant Attorney Hoyt, dated March 30, 1907.

(2) Letter of February 10, 1910, from Chief of Field Division Andrew Christensen, addressed to Mr. H. H. Schwartz, transmitting unsigned copy of interview above mentioned. I also inclose the envelope in which the above-mentioned papers were forwarded to Mr. Schwartz, postmarked "Portland, Oregon, February 10, 1910," for the purpose only of showing that the papers in question are furnished at the earliest possible date.

Very respectfully,

R. A. BALLINGER,  
*Secretary.*

HON. KNUTE NELSON,  
*Chairman Joint Committee of Congress to Investigate the  
Interior Department and Forestry Bureau, Washington, D. C.*

THE SECRETARY OF THE INTERIOR,  
*Washington, February 16, 1910.*

SIR: In further reply to your letter of the 12th instant, requesting certain documents, reports, correspondence, etc., on the files of this department, I have the honor to submit herewith the third installment of documents requested, which are enumerated as indicated in the list which accompanied your letter, as follows:

1. Letter of February 11, 1909, from Representative Mondell to Director Newell, of the Reclamation Service, inclosing a letter from John P. Arnott relative to withdrawal of certain lands along the Big Horn River, Wyoming.

Copy of letter of February 4, John P. Arnott to Representative Mondell, above mentioned.

Letter, February 17, 1909, Supervising Engineer Savage to Director of the Reclamation Service, requesting information as to how to answer inquiries with respect to withdrawals under section 3 of the reclamation act, which were for power conservation.

Office copy of letter of February 17, 1909, supervising engineer Reclamation Service, Helena, Mont., to register and receiver, Bozeman, Mont., relative to application of Carl Vollmer to make commutation proof.

Office copy of letter of February 27, 1909, from Acting Director Bien to supervising engineer Reclamation Service, Helena, Mont., inclosing copy of letter of February 23, 1909, from the Director Reclamation Service to Representative Mondell.

Carbon copy of letter of February 23, 1909, from Director Reclamation Service to Representative Mondell, replying to letter of February 11, 1909, from Mr. Mondell.

Letter of February 25, 1909, from Representative Mondell to Director Newell, of the Reclamation Service, relating to withdrawals along Big Horn River, Wyoming, together with copy of letter addressed to Secretary Garfield bearing on same subject.

Office copy of letter of March 2, 1909, from Secretary Garfield to Representative Mondell in relation to withdrawals under section 3 of the reclamation act for the purpose of making investigation of power possibilities.

(The above correspondence was furnished by the Reclamation Service.)

2. Furnished February 8. (See reference in letter of February 12, 1909.)
3. With reference to No. 3, the Director of the Reclamation Service under date of the 15th instant reports that "copy of this paper was not placed on file, and was probably destroyed."
4. Letter of March 19, 1909, from Senator Heyburn to Secretary Ballinger.
5. Copy of letter of March 20, 1909, from Secretary Ballinger to Senator Heyburn.
- 768 6. No letter or other document such as indicated has as yet been located in the files of the department.
7. Furnished. (See reference in letter of February 12, 1910.)
8. Office copies of four letters from the Secretary of the Interior to the Secretary of Agriculture, dated April 13, 1909, with related memoranda, relative to administrative sites in national forests. (National Forests—Administrative Sites—General—File 2-5, pt. 1.)
9. Furnished. (See reference in letter of February 12, 1910.)
10. Not in the files of this department.
11. Copy of letter of June 8, 1909, from the Secretary of the Interior to the Attorney-General requesting an opinion in the matter of administrative-site withdrawals will be found in File Administrative Sites—General—No. 2-5, part 1, submitted herewith in response to paragraph 8.
12. Office copy of letter of March 21, from Chief Engineer Davis, of the Reclamation Service, to Supervising Engineer Weymouth.
13. Office copy of letter of July 10 from Director Newell, of the Reclamation Service, to Senator La Follette, and original letter of July 7, 1909, from Senator La Follette to Director Newell, together with envelope marked "personal," in which said last-mentioned letter was transmitted.
14. Not in the possession of this department.
15. Presumably in the Forest Service.
16. Furnished February 12, 1910.
17. Furnished February 12, 1910.

Very respectfully,

R. A. BALLINGER,  
Secretary.

Hon. KNUTE NELSON,  
Chairman Joint Committee of Congress, etc.,  
Washington, D. C.

DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
Washington, D. C., February 16, 1910.

Hon. KNUTE NELSON,  
Chairman Joint Committee of Congress to Investigate the  
Interior Department and Forestry Bureau, Washington, D. C.

SIR: In compliance with your request of the 2d instant, I am sending you herewith all papers in the files of this department received from Louis R. Glavis relative to the Alaska coal claims. These papers have been classified and jacketed as follows:

Jacket No. 1. Original letters: (1) Letter from Glavis to Forester, dated September 18, 1909, transmitting certain papers; (2) letter from Commissioner Dennett to Glavis relative to Alaska coal lands; (3) letter from Arthur R. Bowman, special agent, General Land Office, to Glavis relative to Alaska coal lands.

Jacket No. 2. Miscellaneous copies of communications and blueprints relating to the Alaska coal claims.

Jacket No. 3. Miscellaneous copies of affidavits and copies of correspondence relating thereto from entrymen in Alaska coal cases.

Jacket No. 4. Copy of Mr. Glavis's report to the President, dated August 11, 1909.

Jacket No. 5. Duplicate copies of portions of Mr. Glavis's report.

Jacket No. 6. List of entrymen in the Alaska coal field, furnished by Mr. Glavis.

Jacket No. 7. Duplicate copies of various correspondence and reports. (These are duplicates of the correspondence found in jacket No. 2.)

Jacket No. 8. Two stenographers' notebooks purporting to be the notes by F. L. Spaulding, special agent, in taking dictation from Commissioner Dennett. Mr. Spaulding was assigned to duty under Mr. Glavis. These notebooks were found in the Forest Service files.

I am informed by the Forest Service that the above are all the papers received by the Forest Service from Mr. Glavis, as shown by a thorough search of the service files, with the exception of certain papers sent by Mr. Glavis to the Forest Service and by the service delivered to Mr. Sheridan and to Mr. Christensen, of the General Land Office. Lists of the above papers will be found in jacket No. 2.

Very respectfully,

JAMES WILSON,  
*Secretary.*

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THE SECRETARY OF THE INTERIOR,  
*Washington, February 16, 1910.*

SIR: In further reply to your letter of January 31, containing a list (p. 361, testimony) of documents desired by your committee, with respect to the papers called for by paragraph 10 of said list, I have the honor to say that a careful and thorough search throughout the files of this department has been made without locating any correspondence whatever from Hon. Wade Ellis.

With regard to paragraph 13 of said list, requesting "list of stockholders of all different companies holding Alaska coal claims," I have to say that neither the Secretary's office nor the General Land Office has any information whatever along the lines suggested. If the names of the companies were given, copies of their articles of incorporation might be obtained from the secretary of state of the States in which the companies were incorporated, but otherwise this department has no facilities for securing the information desired.

Very respectfully,

R. A. BALLINGER,  
*Secretary.*

HON. KNUTE NELSON,  
*Chairman Joint Committee of Congress to Investigate the  
Interior Department and the Forestry Bureau, Washington, D. C.*

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
*Washington, D. C., February 18, 1910.*

HON. KNUTE NELSON,  
*Chairman Joint Committee of Congress.*

SIR: On February 1, 1910, the joint committee called for "Original of affidavit of L. R. Glavis, dated September, 1909, now or formerly in Seattle Land Office relating to conversation of Glavis with Donald A. McKenzie in re failure of President Taft to appoint Mr. Garfield a member of his Cabinet."

In response thereto I hand you herewith a letter from Chief of Field Division A. Christensen, dated February 4, 1910, inclosing the following exhibits:

Exhibit A. Copy of affidavit as transcribed by Miss Shartell to whom the certificate or affidavit made by Horace Tillard Jones and L. R. Glavis was dictated.

Exhibit B. Affidavit made by said Ella M. Shartell relative to the circumstances under which the certificate or affidavit was dictated to her by Special Agent Jones and L. R. Glavis.

Exhibit C. Affidavit of Raymond E. Gery concerning his knowledge of such an affidavit.

Exhibit D. Affidavit of Practical Miner George A. Parks concerning his knowledge of the existence of such an affidavit.

Exhibit E. Affidavit of A. Christensen concerning his knowledge of the existence of such an affidavit.

770 Exhibit F. One of the three original affidavits which were made by Agents Jones and Glavis at that time.

Exhibit G. Affidavit of Special Agent Jones relative to this affidavit and to the disposition made of the two others.

Very respectfully,

FRED DENNETT, *Commissioner.*

HON. KNUTE NELSON,

*Chairman of the Joint Committee, United States Senate.*

SIR: Under your request of February 1, you make call for 15 specifications of documents and records. Paragraph 15 is as follows:

"All correspondence and telegrams, July 1, 1909, to date, passing between Messrs. Ballinger, Pierce, Schwartz, Dennett, McEniry, Colter, or any of them."

I have to advise you that, by reason of the fact that Chief of Field Service Schwartz until recently signed practically all letters of instruction to chiefs of field division, there will be in the files of this office many hundred letters addressed to chiefs of field division McEniry and Colter upon all classes of cases being investigated in the field; also that, as Commissioner Dennett signs the majority of letters transmitting appeals and records of various kinds from the General Land Office to the Department of Interior proper, there will be many hundred such letters covering the whole field of the General Land Office's work. This also applies to Mr. Schwartz during such time as he was acting as assistant commissioner, during the months of July, August, and a part of September, 1909.

In view of the foregoing, I should be pleased to have you indicate the general subject-matters which are intended to be covered by paragraph 15. In complying with the paragraph as now written, there will be transmitted to you an immense volume of matter, which by no possibility could have relation to any of the matters which will, or might, come before your committee for consideration.

Respectfully,

R. A. BALLINGER, *Secretary.*

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
Washington, D. C., February 19, 1910.

HON. KNUTE NELSON,

*Chairman Joint Committee of Congress.*

SIR: Referring to the request of the Joint Committee of Congress calling for documents, correspondence, etc., I have the honor to report as to the papers that have not yet been transmitted to you.

Paragraph 4. List of January 29, 1910.

Everything called for in this paragraph has been sent, with the exception of the report books of Agent Love. On January 31, 1910, Agent Christensen reported that he wired Mr. Love that day:

"Joint Committee desires your daily report books from June fifteenth, nineteen seven, to date of retirement from service."

890 Agent Love replied:

"All report books but the last turned in to Glavis in Portland, nineteen eight. Will bring that with me. Leaving for Seattle to-day."

Agent Christensen also states that he has searched the records of the offices of the field service at Portland and Seattle, but was unable to find any report books of Agent Love covering the period mentioned.

No report books were kept by any of the special agents after July 1, 1909, on account of the new daily reports which were put in use at that time.

Paragraph 5. List of January 29, 1910.

The joint committee calls for:

22, 1907." "Personal letter, L. R. Glavis to H. H. Schwartz, dated on or about November

Mr. Schwartz advises me that he has no personal recollection of the contents of the letter in question, and has absolutely no knowledge that the same was ever by him retained. For these reasons I am unable to furnish the letter in question. Mr. Schwartz is unable to state whether the copy quoted by Mr. Glavis on page 41 of the hearings, record of January 28, 1910, is approximately correct, but he does not question the letter.

Paragraph 10. List of January 29, 1910.

The joint committee calls for:

claims." "Telegram of L. R. Glavis, dated March 6, 1908, in relation to Alaska coal

I am unable to find the telegram in question. Mr. Schwartz recalls it as a telegram from Wallace, Idaho, or Spokane, Wash., from Glavis to him, wherein

Glavis advised of getting the Cunningham book, and wherein he quoted that part of the book which is the last paragraph on page 22 of Mr. Glavis's testimony before the committee. Mr. Schwartz showed this telegram to Secretary Garfield, and his further recollection is that it remained in the Secretary's possession, but as to that he is not positive. In any event, the telegram was never filed. The same was answered by office letter to Mr. Glavis which appears at the top of page No. 466 of Senate Document No. 248.

Paragraph 13. List of January 29, 1910.

All of the correspondence referred to in this paragraph was sent on February 4, 1910, except such as, in my opinion, should not be presented until such time as Mr. Schwartz appears as a witness. However, I send to-day, by separate letter, correspondence between Messrs. Schwartz and Colter in so far as now located. Remaining letters, if any, can not be found, as Mr. Schwartz does not ordinarily preserve personal correspondence. Further search is being made. The additional matter to-day transmitted will be found in book entitled Glavis-Shaw and papers attached thereto.

Paragraph 15. List of January 29, 1910.

The joint committee calls for:

"Personal letter of L. R. Glavis to Schwartz of April, 1908, referred to in letter of April, 1908, to Hon. R. A. Ballinger, September 10, 1909 (Senate Doc. 248, p. 99)."

Mr. Schwartz has not such a letter and has no satisfactory recollection of the same. It is probable that the communication of which he speaks, on page 99 of Senate Document No. 248, as a personal letter from Glavis to himself, written early in April, 1908, was, in fact, the telegram of March 6, 1908.

Paragraph 21. List of January 29, 1910.

The joint committee calls for:

"Any record of the hearing given to ex-Governor Moore by Commissioner Ballinger in December, 1907, referred to by Schwartz on page 224 and again on page 460 of the Senate Document 248 (President's message on Glavis's charges)."

There is no record of the hearing; no record was made; the hearing was an informal call and inquiry. Mr. Schwartz was in error in supposing a formal hearing had been had, or that Mr. Moore was accompanied by other claimants or persons.

Paragraph 23. List of January 29, 1910.

A copy of the letter of Commissioner Dennett to Agent Glavis of June 3, 1908, was sent to your committee on February 4, 1910. Under date of February 8, 1910, Agent Christensen reports that he is unable to find this original letter of June 3, 1908. It now appears that this letter was transmitted to the joint committee on February 16, 1910, by the Department of Agriculture in bundle No. 1, in response to papers called for.

Paragraph 14. List of February 1, 1910.

The joint committee calls for:

"Letter in Seattle land office now or formerly dated March 10, 1908, stating that the writer thinks Judge McKenzie drafted Cale bill addressed to Hon. Oscar Foote."

A telegram was sent to the Seattle land office as follows:

"Joint committee of Congress calls for the following: 'Letter in Seattle land office, now or formerly, dated March tenth, nineteen eight, stating that the writer thinks Judge McKenzie drafted Cale bill, addressed to Hon. Oscar Foote.' Make diligent search and forward letter immediately. Answer by wire."

On February 17, 1909, the register and receiver at Seattle wired:

"Thoroughly examined our files, consulted Chief Christensen, interviewed Oscar Foote, and find no trace of letter described. Foote has no recollection of such letter. Do you want affidavit?"

On February 17, the following telegram was sent to the register and receiver at Seattle:

"Matter mentioned in your wire to-day. Secure affidavit of Oscar Foote in reference to matter mentioned my wire yesterday."

This affidavit will be forwarded to your committee as soon as received.

Very respectfully,

FRED DENNETT, *Commissioner.*



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DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
Washington, D. C., February 19, 1910.

Hon. KNUTE NELSON,  
*Chairman Joint Committee of Congress.*

SIR: Referring to my letter of even date relative to paragraph 13, list of January 20, 1910, I transmit herewith the following papers:

- (a) Book entitled "Glavis and Shaw."
- (b) Book entitled "Affidavits relating to activities of Shaw and Glavis on inspiring charges against Interior Department."
- (c) Copy of telegram from Schwartz to Colter, October 11, 1909; telegram from Colter to commissioner, October 13, 1909; copy of telegram from Schwartz to Colter, October 18, 1909; memorandum from Sheridan to Schwartz, October 31, 1909; telegram from Schwartz to Colter, November 11, 1909; carbon copy of letter from Colter to A. N. Winchel, November 12, 1909; letter from A. N. Winchel to Colter, November 15, 1909; letter from H. V. Winchel to Colter, November 23, 1909; carbon copy of letter from Colter to J. M. Dickey, November 24, 1909; letter from Colter to Schwartz, December 10, 1909.

Carbon copy of letter from Colter to J. L. Mathews, October 18, 1909; copy of telegram from Schwartz to Carr, October 18, 1909; telegram from Ballinger to Schwartz, October 17, 1909; copy of telegram from Schwartz to Carr, October 23, 1909; carbon copy of letter from Schwartz to Colter, November 19, 1909.

Very respectfully,

FRED DENNETT, *Commissioner.*

DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
Washington, D. C., February 19, 1910.

Hon. KNUTE NELSON,  
*Chairman Joint Committee of Congress,*  
*Washington, D. C.*

SIR: In compliance with your request of the 17th instant for documents included in paragraphs 10, 14, and 15 of the accompanying list, I am sending you herewith, from the files of this department, papers classified and jacketed as follows:

Jacket  
No.

1. Letter of May 8, 1909, from Hon. James R. Garfield to the Forester.
2. Miscellaneous correspondence on the subject from the files of the Forestry Bureau, Washington, D. C.
3. Copies of correspondence between the Forest Service and L. F. Abbott, of the Outlook.
4. Procedure file in cooperation with the General Land Office. (This consists of the record of procedure between the departments and contains several letters pertaining to the subjects in controversy.)
5. Briefs, memoranda, and original notes of Mr. Shaw, of the Forest Service, relative to the matters in controversy (from the files of the Forest Service).
6. Newspaper clippings and miscellaneous documents from the files of the Forest Service.
7. Miscellaneous correspondence on the subject from the files of the Portland district of the Forest Service.

1209 Also:

Volume 161, containing statistics of power sites, 1909, of the National Atlas on file in the Forest Service.

Three binders, containing exhibits and reports of hearing of coal cases.

I am informed by the Forest Service that the above are all the papers and documents, as shown by a thorough search of the files, relating to the Cunningham coal cases.

There are in this office papers from the files of the Forest Service pertaining to the cutting of timber by the Forest Service on Indian reservations, which will be forwarded to your committee upon request for same.

Very respectfully,

JAMES WILSON, *Secretary.*

THE SECRETARY OF THE INTERIOR,  
Washington, February 19, 1910.

HON. KNUTE NELSON,  
*Chairman Joint Committee of Congress.*

SIR: In accordance with direction of your committee, at request of Mr. Brandeis, I transmit herewith original letters addressed to me May 22 and May 24, 1909, by Mr. Miles C. Moore and "file" copies of my replies to said letters on May 24 and May 27, 1909.

Very respectfully,

R. A. BALLINGER, *Secretary.*

THE SECRETARY OF THE INTERIOR,  
Washington, February 21, 1910.

HON. KNUTE NELSON,  
*Chairman Joint Committee of Congress.*

SIR: Supplementing my letter of February 19, 1910, I herewith inclose original letters addressed to me by Mr. Miles C. Moore, June 4, August 14, and September 16, 1909, and copies of my reply to the two letters last mentioned. No reply was made to the letter of June 4.

Very respectfully,

R. A. BALLINGER, *Secretary.*

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
Washington, D. C., February 21, 1910.

HON. KNUTE NELSON,  
*Chairman Joint Committee of Congress.*

SIR: Complying with the request contained in your communication of January 29, 1910, I hand you herewith:

Paragraph 7. Letter from H. K. Love to L. R. Glavis, dated January 17, 1908, and letter from H. K. Love to L. R. Glavis, January 17, 1908, and letter from L. R. Glavis to H. K. Love, dated January 31, 1908.

Paragraph 8. Letter from Clarence Cunningham to the register and receiver, Juneau, dated March 12, 1907, containing the name and address of each coal-land claimant for whom Cunningham was agent, and letter from Clarence Cunningham to the register and receiver, Juneau, January 15, 1908.

Letters from register and receiver, Juneau, to commissioner, dated March 1, 1906, October 8, 1907, November 22, 1907, December 12, 1907, January 29, 1908; telegram from the receiver at Juneau to H. T. Jones, August 9, 1907, and telegram from the register and receiver at Juneau to commissioner, dated September 14, 1909.

The papers delivered to Special Agent Bowman in 1909 were delivered to the joint committee by Mr. Vertrees on February 14, 1910.

Very respectfully,

FRED DENNETT, *Commissioner.*

1332

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
Washington, D. C., February 23, 1910.

HON. KNUTE NELSON,  
*Chairman Joint Committee of Congress.*

SIR: In response to your call for the original letter from Miles C. Moore to the Commissioner of the General Land Office, dated March 17, 1908, I hand you herewith said letter.

Very respectfully,

FRED DENNETT, *Commissioner.*

1210

DEPARTMENT OF THE INTERIOR,  
Washington, February 24, 1910.

MR. PAUL SLEMAN,  
*Secretary Joint Committee in Congress.*

SIR: January 29, 1910, you called for various papers, personal and official, from the Interior Department and officials thereof. Your paragraph 13 is as follows:

"13. All letters and other communications between the General Land Office and S. J. Colter, and personal letter or telegram from H. H. Schwartz to Special Agent S. J. Colter, or from said S. J. Colter to H. H. Schwartz, in relation to Alaska coal land, or in relation to Glavis's so-called charges to the President."

February 19, 1910, you were advised as follows:

"I send to-day, by separate letter, correspondence between Messrs. Schwartz and Colter, in so far as now located."

I herewith transmit additional correspondence within the above designation, located by Mr. Schwartz since my foregoing letter of the 19th instant was forwarded to you. The additional correspondence consists of:

Personal letter of October 19, Colter to Schwartz.

Personal letter of October 21, Colter to Schwartz.

Telegram of October 21, Colter to Schwartz (with translation).

Telegram of October 21, Schwartz to Colter.

Telegram of October 23, Schwartz to Colter (with translation).

Personal letter of October 26, Colter to Schwartz.

Letter of October 28, 1909, Schwartz to Colter.

Personal letter of November 9, Colter to Schwartz.

Personal letter of November 10, Colter to Schwartz.

October—(probably 19th) letter from Schwartz to Colter in reference to the charges filed with the President by Mr. Glavis and Bowman's alleged attitude in regard thereto.

This letter is dictated, for my signature, by Mr. Schwartz, and he advises me that he has recollection of an additional pen-written letter from Mr. Colter, advising of his interview with the Misses Sheetz in Chicago; but Mr. Schwartz has been unable to locate the letter in question. The same was probably destroyed or mislaid at the time of its receipt.

This completes the correspondence called for under your paragraph 13, first above referred to.

Respectfully,

R. A. BALLINGER, *Secretary.*

DEPARTMENT OF THE INTERIOR,  
Washington, February 24, 1910.

HON. KNUTE NELSON,  
*Chairman of Joint Committee, Washington, D. C.*

SIR: February 21, 1910, you made call upon me as follows:

"Figure 1. Affidavit of Harry White, of Los Angeles, Cal., taken before Special Agent Glavis, in July, 1909, relating to Green group of Alaska coal claimants."

I have to advise you that Chief of Field Division Christensen, of Portland, Oreg., arrived in this city last evening, bringing with him the affidavit in question, which is attached hereto and submitted in accordance with your request.

Very respectfully,

R. A. BALLINGER, *Secretary.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF FIRST ASSISTANT SECRETARY,  
Washington, February 25, 1910.

MY DEAR SENATOR: In reading over the record in the Glavis case, I find that Joseph P. Cotton, Jr., one of the counsel, made the following demand for papers on January 31, 1910:

"(16) All correspondence and telegrams from July 1, 1909, to date passing between Messrs. Ballinger, Pierce, Schwartz, Dennett, McEniry, Colter, or any of them."

I herewith inclose you all correspondence, as far I can now recall or have any record, passing between Secretary Ballinger and myself after July 1, 1909, to wit:

July 13, 1909, letter, Pierce to Ballinger, re Oklahoma oil situation.

July 14, 1909, telegram, Pierce to Ballinger, re Porto Rican matters.

July 16, 1909, telegram, Pierce to Ballinger, re Porto Rican matters.  
 July 20, 1909, letter, Ballinger to Pierce, re Oklahoma oil situation.  
 1211 July 20, 1909, letter, Pierce to Ballinger, re Porto Rican matters.  
 July 21, 1909, letter, Pierce to Ballinger, re Porto Rican matters.  
 July 23, 1909, telegram, Ballinger to Pierce, re assignments desert entries.  
 July 24, 1909, telegram, Pierce to Ballinger, re assignments desert entries.  
 July 25, 1909, letter, Ballinger to Pierce, miscellaneous.  
 July 26, 1909, Pierce to Ballinger, re Idaho preference right.  
 July 30, 1909, letter, Pierce to Ballinger, assignments desert entries.  
 July 31, 1909, letter, Pierce to Ballinger, re withdrawing lands for arid park.  
 July 31, 1909, letter, Pierce to Ballinger, re Oklahoma matters.  
 July 31, 1909, letter, Ballinger to Pierce, re Idaho preference right.  
 August 2, 1909, letter, Pierce to Ballinger, re leave of absence.  
 August 4, 1909, letter, Ballinger to Pierce, re desert-land circular.  
 August 6, 1909, letter, Ballinger to Pierce, re withdrawal of lands for arid park.

August 7, 1909, letter, Ballinger to Pierce, re Oklahoma cases.  
 August 28, 1909, letter, Ballinger, to Pierce, re Glavis and Alaska situation.  
 September 20, 1909, letter, Ballinger to Pierce, re information to newspapers.  
 October 7, 1909, letter, Pierce to Ballinger, re circular of Reclamation Service.  
 October 16, 1909, letter, Ballinger to Pierce, re reclamation regulations.  
 Most of this correspondence is absolutely foreign to the subject under investigation, and should not be made public. I, however, wish you to present the entire correspondence to Mr. Cotton and let him select such of it as he desires to use and let him return to you that which he does not wish. It seems to me it can be worked out satisfactorily with Mr. Cotton on these suggestions which I have made.

Very respectfully, yours,

FRANK PIERCE,  
*First Assistant Secretary.*

Hon. KNUTE NELSON,  
*Chairman Joint Committee of Investigation, United States Senate.*

DEPARTMENT OF THE INTERIOR,  
 GENERAL LAND OFFICE,  
 Washington, D. C., February 26, 1910.

Hon. KNUTE NELSON,  
*Chairman Joint Committee of Congress.*

SIR: Referring to my letter of February 19, 1910, relative to paragraph 14, list of papers called for February 1, 1910, I inclose herewith a letter dated February 19, 1910, from the receiver at Seattle, F. A. Twichell, to Commissioner Bennett, and an inclosure, being an affidavit by Oscar Foote, sworn to February 19, 1910. I also inclose herewith the following letters called for in paragraph 8 in the list of January 29, 1910, which were received in the Land Office February 24, 1910, from Special Agent Christensen.

Affidavit of Miles C. Moore, dated April 10, 1907.  
 Affidavit of W. H. Warner, dated April 18, 1907.  
 Affidavit of W. W. Baker, dated April 29, 1907.  
 Affidavit of Frederick Burbidge, dated May 1, 1907.  
 Affidavit of Reginald C. Neill, dated May 2, 1907.  
 Affidavit of Joseph H. Neill, dated January 10, 1907.  
 Copy of letter from register at Juneau to Charles Sweeney, February 16, 1906.  
 Copy of letter from register at Juneau to A. D. Jones, February 19, 1906.  
 Copy of letter from register at Juneau to H. W. Collins, February 19, 1906.  
 Copy of letter from register at Juneau to John Hartline, March 7, 1906.  
 Copy of letter from register at Juneau to H. K. Love, March 3, 1906.  
 Copy of letter from register at Juneau to A. W. Rochford, March 7, 1906.  
 Copy of letter from register at Juneau to A. W. Rochford, March 9, 1906.  
 Copy of letter from register at Juneau to Chas. S. Hubbel, November 16, 1906.  
 Report from H. K. Love to register and receiver, Juneau, August 1, 1907.  
 Letter from H. K. Love to register and receiver, Juneau, March 20, 1907.  
 Letter from H. K. Love to register and receiver, Juneau, January 8, 1908.  
 Copy of letter from register and receiver, Juneau, to Clarence Cunningham, January 2, 1907, to which is attached the following memorandum:  
 "Similar letters verbatim except as to names, amount, and survey number were sent on same date to the other Cunningham claimants at their various addresses."

- Copy of letter from register, Juneau, to Clarence Cunningham, April 19, 1907.  
 Copy of letter from register and receiver, Juneau, to Clarence Cunningham, July 27, 1907.
- 1212 Copy of letter from register and receiver, Juneau, to S. C. Chezum, July 27, 1907.
- Copy of letter from register and receiver, Juneau, to W. W. Baker, November 22, 1907.
- Copy of letter from register and receiver, Juneau, to W. W. Baker, December 12, 1907.
- Copy of telegram from register and receiver, Juneau, to L. R. Glavis, May 11, 1909.
- Copy of telegram from register and receiver, Juneau, to James M. Sheridan, November 24, 1909.
- Copy of letter of H. K. Love to register and receiver, January 17, 1907, relative to Davidson claim.
- Copy of letter of H. K. Love to register and receiver, January 17, 1907, relative to Henry White claim.
- Copy of letter of H. K. Love to register and receiver, January 17, 1907, relative to Doneen claim.
- Copy of letter of H. K. Love to register and receiver, January 18, 1907, relative to Jenkins claim.
- Copy of letter of H. K. Love to register and receiver, January 18, 1907, relative to W. H. Collins claim.
- Copy of letter of H. K. Love to register and receiver, January 19, 1907, relative to F. F. Johnson claim.
- Copy of letter of H. K. Love to register and receiver, February 26, 1907, relative to Scofield claim.
- Copy of letter of H. K. Love to register and receiver, December 31, 1906, relative to N. B. Nelson claim.
- Copy of letter of H. K. Love to register and receiver, December 31, 1906, relative to Mullen claim.
- Copy of letter of H. K. Love to register and receiver, December 31, 1906, relative to C. J. Smith claim.
- Copy of letter of H. K. Love to register and receiver, December 31, 1906, relative to Henry claim.
- Telegram from Clarence Cunningham to register at Juneau, January 19, 1907, on the back of which is written "No instructions. They will probably arrive by mail about the 30th."
- Telegram from Clarence Cunningham to register, December 17, 1907, and on the back is written, "Entries will be refused. Money can be deposited unofficially, pending appeal."
- Telegram from Clarence Cunningham to register, December 13, 1906. On the back is written, "Send currency. The express rules of my office require it."
- Telegram from Clarence Cunningham to register, March 2, 1906.
- Copy of letter from receiver, Juneau, to F. C. Davidson, May 20, 1908.
- Copy of letter from receiver, Juneau, to Michael Doneen, May 20, 1908.
- Letter from C. R. Cunningham to register, Juneau, April 10, 1906.
- Letter from Michael Doneen to receiver, Juneau, May 8, 1908.
- Letter from D. C. Riblett to receiver, Juneau, dated January 11, 1908.
- Letter from W. E. Miller to register and receiver, dated January 11, 1908.
- Letter from John A. Finch to receiver, January 13, 1908.
- Letter from W. H. Warner to receiver, October 25, 1907.
- Letter from W. W. Baker to register, November 29, 1907.
- Very respectfully,

FRED DENNETT, *Commissioner.*

1322

THE SECRETARY OF THE INTERIOR,  
 Washington, February 26, 1910.

DEAR SIR: I am in receipt of your letter of February 24, requesting for the use of the joint committee of Congress—

"Copy of letter of the President to Secretary Ballinger of August 13, 1910."

Assuming that the communication, a copy of which is desired by your committee, is the one dated September 13, 1909, I have the honor to inclose a copy thereof herewith.

Very respectfully,

R. A. BALLINGER, *Secretary.*

HON. KNUTE NELSON,

*Chairman Joint Committee of Congress, Washington, D. C.*

THE SECRETARY OF THE INTERIOR,  
Washington, February 26, 1910.

DEAR SIR: I have your letter of February 24, wherein you request for the use of the joint committee of Congress—

"Originals of letters of Miles C. Moore, of May 22, 1909, and May 24, 1909, to Secretary Ballinger, and of March 17, 1908, to Commissioner Ballinger, and any other letters or telegrams from Miles C. Moore in the possession of the Secretary or the Land Office, or in his personal file, relating to Alaska coal lands."

I have the honor to invite your attention to my communications of February 19 and 21, 1910, with which were transmitted original letters addressed to me by Mr. Miles C. Moore on May 22 and 24 and June 4, August 14, and September 16, 1909, as well as copies of my replies to all of said letters except the one dated June 4, to which no reply was made.

The Commissioner of the General Land Office has been directed to furnish any letters from Mr. Moore which may be in the files of his office.

There are no letters whatever from Mr. Moore to me in the personal files of my office.

Very respectfully,

R. A. BALLINGER, *Secretary.*

Hon. KNUTE NELSON,

*Chairman Joint Committee of Congress, United States Senate.*

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
Washington, D. C., February 28, 1910.

Hon. KNUTE NELSON,  
*Chairman Joint Committee of Congress.*

SIR: Referring to your request of February 24, 1910, I have to report as follows:

Paragraph 1 calls for—

"Letter of H. H. Schwartz to Special Agent Colter defining position of subordinates, written either in September or October, 1909."

You are advised that this letter was transmitted to you on February 24, 1910.

Paragraph 2 calls for—

"Originals of letters of instruction given by Special Agent Glavis to Andrew Kennedy and Special Agent Stoner respecting the field examination of the Cunningham coal claims."

1323 Special Agent Gery was wired to transmit these letters immediately, and to wire advice respecting the same. February 28, 1910, Agent Gery wired "Copy forwarded this day."

With respect to paragraph 3, I inclose herewith letter from Miles C. Moore to Secretary Ballinger, dated April 9, 1909, to which is attached a memorandum by Mr. Carr (printed in Senate Document 248, p. 513); telegram from Miles C. Moore to Commissioner Ballinger, dated February 27, 1908, and the jacket in which this telegram was inclosed, and the reply telegram from Commissioner Ballinger to Moore, dated February 28, 1908; letter from Miles C. Moore to H. K. Love, dated April 7, 1907; and letter from Miles C. Moore to Commissioner General Land Office, dated December 29, 1907.

These are all the letters in the General Land Office from Miles C. Moore which had not been forwarded to the joint committee.

Very respectfully,

FRED DENNETT,  
*Commissioner.*

1429

THE SECRETARY OF THE INTERIOR,  
Washington, March 4, 1910.

Hon. KNUTE NELSON,

*Chairman Committee of Investigation, United States Senate.*

SIR: I file herewith certified copies of vouchers and other papers in the Indian Office, Department of the Interior, relating to reimbursement of the Forest Service for work performed in connection with timber upon Indian reservations.

Very respectfully,

R. A. BALLINGER, *Secretary.*

1430

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE.  
Washington, D. C., March 4, 1910.

Hon. KNUTE NELSON,  
*Chairman Joint Committee of Congress.*

SIR: Referring to paragraph 4 in the list of January 29, 1910, I inclose herewith a letter from Chief of Field Division Christensen, dated March 2, 1910, in which he transmits a report book just delivered to him by former Special Agent Love which contains memorandums of his work from June 11, 1907, to April 17, 1908.

Very respectfully,

FRED DENNETT, *Commissioner.*

DEPARTMENT OF THE INTERIOR,  
Washington, March 4, 1910.

Hon. KNUTE NELSON,  
*Chairman Joint Committee of Congress.*

SIR: Complying with your request of February 24, 1910, calling for "originals of letters of instruction given by Special Agent Glavis to Andrew Kennedy and Special Agent Stoner respecting the field examination of the Cunningham coal claims," I hand you herewith a copy of a letter of instructions, dated July 16, 1909, from Chief of Field Division Glavis to Special Agent Andrew Kennedy; copy of telegram from Glavis to Andrew Kennedy, dated June 22, 1909; and the letter of Special Agent Raymond E. Gery, dated February 26, 1910, to the Commissioner of the General Land Office inclosing the above two copies.

Very respectfully,

R. A. BALLINGER, *Secretary.*

1513

THE SECRETARY OF THE INTERIOR,  
Washington, March 4, 1910.

SIR: In further compliance with your letter of February 12, requesting "All recommendations by the Reclamation Service to the Secretary of the Interior on and after December 4, 1909, to date, looking to the restoration of lands withdrawn for reclamation and power-site purposes," I have the honor to  
1514 transmit herewith copies of restorations of lands withdrawn for "reclamation" purposes, under the several projects, as follows:

Bear Lake project, Utah-Idaho.  
Bellefourche project, South Dakota.  
Buford-Trenton project, North Dakota.  
Chelan project, Washington.  
Cimarron project, Oklahoma.  
Colorado River project, California.  
Dubois project, Idaho.  
Fort Berthold project, North Dakota.  
Grand Valley project, Colorado.  
Hondo project, New Mexico.  
Humboldt project, Nevada.  
Huntley project, Montana.

Klamath project, Oregon-California.  
Kremmling reservoir, Colorado.  
Little Colorado River project, Arizona.  
Musselshell project, Montana.  
Nesson project, North Dakota.  
Okanogan project, Washington.  
Rio Grande project, New Mexico.  
Shoshone project, Wyoming.  
Sun River project, Montana.  
Umatilla project, Oregon.  
Walker River project, Nevada.  
Yuma project, Arizona-California.

Copies of the remaining "reclamation" restorations are in course of preparation, and will be furnished as soon as possible.

The restorations covering lands withdrawn for "power-site" purposes have heretofore been furnished.

Very truly, yours,

R. A. BALLINGER,  
*Secretary.*

Hon. KNUTE NELSON,  
*Chairman Joint Committee of Investigation.*

THE SECRETARY OF THE INTERIOR,  
Washington, March 4, 1910.

SIR: Complying with the request contained in your letter of the 2d instant for "the books and papers showing for the years 1907, 1908, and 1909 the eff-

ciency records and state of the business in the several divisions of the Land Office from week to week and month to month, or however otherwise such records are kept," I have the honor to forward herewith the original reports, showing the condition of the public business in the various divisions of the General Land Office, submitted to the department by the commissioner of said office in accordance with the provisions of section 7 of the act approved March 15, 1898, for the calendar years 1907, 1908, and 1909.

With respect to your request for "original affidavit of Clarence Cunningham, dated September 4, 1908," you are informed that the same is in the possession of Special Agent Sheridan, and will be secured and forwarded to you as soon as possible.

Very truly, yours,  
HON. KNUTE NELSON,

*Chairman Joint Committee of Investigation,*

*United States Senate.*

R. A. BALLINGER, *Secretary.*

1672

THE SECRETARY OF THE INTERIOR,  
*Washington, March 5, 1910.*

SIR: In further compliance with your letter of February 12, requesting "All recommendations by the Reclamation Service to the Secretary of the Interior on and after December 4, 1908, to date, looking to the restoration of lands withdrawn for reclamation and power-site purposes," I have the honor to transmit herewith copies of restorations of lands withdrawn for "reclamation" purposes, under the following projects, which is in full compliance with paragraph 2 of the list transmitted with your said letter:

Lower Yellowstone project.....	Montana, Wyoming, North Dakota.
Madison River project.....	Montana.
Milk River project.....	Montana.
Minidoka project.....	Idaho.
North Platte project.....	Nebraska, Wyoming.
Payette-Boise project.....	Oregon, Idaho.
Pitt River project.....	Oregon, California.
Salt River project.....	Arizona.
Wapato project.....	Washington.
Williston project.....	North Dakota.
Yakima project.....	Washington.

Very truly, yours,

HON. KNUTE NELSON,

*Chairman Joint Committee of Investigation,  
Room 210, Senate Office Building.*

R. A. BALLINGER, *Secretary.*

1673

THE SECRETARY OF THE INTERIOR,  
*Washington, March 8, 1910.*

SIR: Under date of March 2, your committee requested "the original affidavit of Clarence Cunningham, dated September 4, 1908."

This affidavit is one of the principal exhibits in the hearing relating to the Cunningham claims now being conducted by the General Land Office. The affidavit, as printed on pages 131 to 135 of the list of orders, letters, telegrams, and other exhibits contained in Senate Document No. 248, and on pages 497 to 506 of Senate Document No. 248, has been compared with the original and is the same as the original, except in the following particulars:

*List of orders, letters, telegrams, etc.*

Page 132, eleventh line from bottom of page, word "onto" is "into" in original.

Page 134, ninth line from top of page, after the word "claims," a comma occurs in original.

Page 135, eighth line from bottom of page, word "patents" is "patent" in original.

*Senate Document No. 248.*

Page 497, fourteenth line from bottom of page, word "nistrict" is "district" in original.



Page 499, twentieth line from bottom of page, after the word "claims," a comma occurs in original.

During the proceedings relating to this hearing conducted in the West, the attorneys for the entrymen permitted the introduction into the record, as an exhibit, of a copy of said affidavit, with the understanding that the original affidavit was to be subsequently substituted for the copy. The record of the hearing so far taken, as you will recall, was recently submitted under seal to your committee.

In compliance with your request, above mentioned, the original affidavit is forwarded herewith, with the suggestion that, as a copy of the affidavit has heretofore been introduced in evidence, and in order to enable the General Land Office to substitute the original for the copy now in the record relating to the hearing, as agreed upon, the said original be returned to the department as soon as it shall have served the purposes of your committee.

Very respectfully,

R. A. BALLINGER, *Secretary.*

HON. KNUTE NELSON,  
*Chairman Joint Committee of Investigation,  
United States Senate.*

TREASURY DEPARTMENT,  
OFFICE OF THE SECRETARY,  
Washington, March 8, 1910.

HON. KNUTE NELSON,  
*Chairman Joint Committee of Congress  
to Investigate the Interior Department and Forestry Bureau,  
Washington, D. C.*

SIR: In compliance with the request contained in your letter of March 7, 1910, I have the honor to transmit herewith copies of all certificates of cross transfers from the appropriation of the Indian Office to the appropriation of the Forest Service since September 3, 1908.

Respectfully,

CHARLES D. HILLES,  
*Acting Secretary.*

1672

THE SECRETARY OF THE INTERIOR,  
Washington, March 9, 1910.

SIR: In reply to the request contained in your letter of the 2d instant there are forwarded herewith:

1. Letters of October 6 and 17, 1905, from Special Agent Love to the Commissioner of the General Land Office; also copy of affidavit dated September 8, 1905, of David Lawrence White, and letter of October 10, 1905, from H. R. Harriman to Special Agent Love.

2. The favorable reports by Special Agent Love to the register and receiver, Juneau land office, referred to in Agent Love's report of August 2, 1907, were forwarded to your committee on February 26, 1910 (p. 1211 of the testimony).

In transmitting said reports to Chief of Field Division Christensen, under date of February 8, 1910, Register Walker, of the Juneau office, says:

"I inclose the following letters and copies of replies where copies could be found. I have made an exhaustive search among the miscellaneous letters and these are all I can find."

1673 3. The department and the General Land Office are unable to locate any letters or reports from Special Agent Love to the General Land Office other than those above mentioned and those included in Senate Document No. 248.

Very truly, yours,

R. A. BALLINGER, *Secretary.*

HON. KNUTE NELSON,  
*Chairman Joint Committee of Congress, United States Senate.*

1674

THE SECRETARY OF THE INTERIOR,  
Washington, March 10, 1910.

SIR: I beg to acknowledge receipt of your letter of the 7th instant transmitting a memorandum of papers desired by your committee, as follows:

"All copies and drafts now existing in the files of the Reclamation Service of a letter finally sent by the Secretary of the Interior to Governor Herrick, on or about April 10, 1909."

In compliance with the request contained in said letter, I have the honor to forward herewith letter of March 31, 1909, from Mr. Herrick to the department; copy of acknowledgment dated April 2, 1909; copy of letter dated March 25 from Mr. Dennett to Mr. Herrick; draft of proposed reply to Mr. Herrick, dated April 10, not sent; and copy of letter dated April 10, 1909, from the department to Mr. Herrick.

Very respectfully,

R. A. BALLINGER, *Secretary.*

HON. KNUTE NELSON,  
*Chairman Joint Investigating Committee, United States Senate.*

THE SECRETARY OF THE INTERIOR,  
Washington, March 10, 1910.

SIR: In compliance with the request contained in your letter of the 28th ultimo for "All documents and correspondence relating to the conduct of the Chicago office of the Reclamation Service by Agent Perkins (from the files of the Interior Department, Reclamation Service, or elsewhere)," I have the honor to forward herewith copies of departmental files, as follows:

Reclamation Service. Office quarters. Chicago, Ill.

No. 8 23 (parts 1 and 2).

Reclamation Service. Publicity department. No. 8 47 (parts 1 and 2).

Also documents and correspondence furnished by the Reclamation Service relating to the conduct and management of said office, including monthly reports from September, 1907, to January, 1910, inclusive.

Very respectfully,

R. A. BALLINGER, *Secretary.*

HON. KNUTE NELSON,  
*Chairman Joint Committee of Congress, United States Senate.*

1931

THE SECRETARY OF THE INTERIOR,  
Washington, March 11, 1910.

SIR: Your letter of March 7 requested:

"Copies of all notices of approval by the Auditor for the Interior Department of accounts between the Forest Service and the Indian Office since September 3, 1908, and described on pages 1415 to 1429, inclusive, of record of testimony."

In compliance with said request, there is forwarded herewith certified copy of all settlements made by the Auditor for the Interior Department since September 3, 1908.

Your attention is invited to the fact that the copy herewith does not correspond with the accounts described in pages 1415 to 1429 of the testimony, for the reason that only two of the accounts involved in said settlements are printed in the testimony; one on pages 1415 to 1418, inclusive, and the other on pages 1424 to 1427, inclusive, although copies of all of them were furnished to the committee.

One of the accounts contained on pages 1419 to 1423 is still awaiting settlement in the Indian Office, and the one contained on pages 1428 and 1429, having been settled prior to September 3, 1908, copy thereof is not included with the papers herewith.

Very respectfully,

R. A. BALLINGER,  
*Secretary.*

HON. KNUTE NELSON,  
*Chairman Joint Investigating Committee of Congress,  
United States Senate, Washington, D. C.*

[Inds.]

THE SECRETARY OF THE INTERIOR.  
*Washington, March 12, 1910.*

SIR: Careful search has been made for the papers requested in paragraph 2 of the memorandum which accompanied your letter of the 7th instant, and I have the honor to transmit herewith such correspondence, etc., from or to all persons mentioned in said paragraph as has been located in the files of the department or elsewhere; also a communication from Chief of Field Service Schwartz, to which is attached the original letter of June 10, 1908, with accompanying affidavit from L. R. Glavis to the Commissioner of the General Land Office. Your attention is invited to the statement of Mr. Schwartz in respect to the letter requested in paragraph 3 of the memorandum which accompanied your letter. There is also herewith letter from the Commissioner of the General Land Office with respect to paragraph 2 of the above-mentioned list, with accompanying correspondence from Mr. McEniry to the commissioner; also a communication from Mr. Murphy relative to the said paragraph 2. Mr. McEniry has been called upon to submit any papers or correspondence in his possession coming within said paragraph 2, which will be forwarded to the committee as soon as received.

Very respectfully,

R. A. BALLINGER, *Secretary.*

HON. KNUTE NELSON,  
*Chairman Joint Committee of Investigation,  
 United States Senate.*

P-HHS.]

2054

DEPARTMENT OF THE INTERIOR,  
 GENERAL LAND OFFICE,  
*Washington, D. C., March 9, 1910.*

The honorable SECRETARY OF THE INTERIOR.

SIR: I have the communication of Private Secretary Don M. Carr, of date March 7, 1910, directing me to comply with the request of the joint committee of Congress investigating the Interior Department and the Forest Service, with the following three numbered paragraphs:

"1. Original letter of L. R. Glavis to Commissioner, dated June 10, 1908.

"2. Original (or if original not available) copy of telegram of Oscar Lawler to H. H. Schwartz, to which telegram of Schwartz to Lawler appearing on page 99 of Senate Document 248 is a reply; also originals (and so far as originals are not available, copies) of all letters, telegrams, and memoranda, and papers of, from, or to or made by Messrs. Ballinger, Dennett, Schwartz, Lawler, Finney, or Carr, dated, written, or made prior to September 20, 1909, not contained in Senate Document 248, relating to the Cunningham coal claims or the so-called "Glavis charges," including among others, all papers or memoranda submitted by them or any of them to the President or to the Attorney-General.

"3. Original letter Glavis to Schwartz, dated November 22, 1907, heretofore called for."

Letter of June 10, 1908, called for in paragraph No. 1, together with affidavit thereto attached, are herewith submitted. It is respectfully recommended that this letter and affidavit, after they shall have served their purpose, be returned to the General Land Office at an early date.

2055 As to paragraph No. 2, I have to advise you that there was neither telegram, letter, or other communication from Mr. Oscar Lawler to myself to which "telegram of Schwartz to Lawler, appearing on page 99 of Senate Document 248, is a reply."

I have also to advise you in reference to said paragraph No. 2, that I have neither original nor copies of any "letter, telegram, memoranda, and papers of, from, or to, or made by Messrs. Ballinger, Dennett \* \* \* Lawler, Finney, or Carr, dated, written, or made, prior to September 20, 1909, and not contained in Senate Document 248," to myself or from myself to either of said parties, "relating to the Cunningham coal claims or the so-called Glavis charges, including among others, papers or memorandums submitted by them or any of them to the President or to the Attorney-General."

As to paragraph No. 3. I have to advise you that I have no personal recollection of the contents of the letter in question, and have absolutely no knowledge that the same was ever by me retained. The subsequent telegrams directing

Mr. Glavis to report to Washington indicate the receipt of some such letter, but, being a personal letter, was undoubtedly destroyed by me. I am unable to state whether the copy quoted by Mr. Glavis on page 41 of the hearings record of January 28, 1910, is approximately correct, but I do not question the general correctness of that letter. I have not the original, I have no copy of it, I have no knowledge of the whereabouts of the original nor any copy, except the purported copy introduced by Mr. Glavis himself.

Respectfully,

H. H. SCHWARTZ,  
*Chief of Field Service.*

cwn.]

P-WSB.]

2056

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
*Washington, D. C., March 9, 1910.*

The honorable SECRETARY OF THE INTERIOR.

SIR: I have the communication of Private Secretary Don M. Carr, dated March 7, 1910, relative to the request of the joint committee of Congress investigating the Interior Department and the Forest Service.

Paragraph 2 calls for "Also originals (and, so far as originals not available, copies) of all letters, telegrams, and memoranda and papers of, from, or to or made by Messrs. Ballinger, Dennett, Schwartz, Lawler, Finney, or Carr (supplemented March 8 by the names of McEniry and Murphy), dated, written, or made prior to September 20, 1909, not contained in Senate Document 248, relating to the Cunningham coal claims or the so-called Glavis charges, including, among others, all papers or memoranda submitted by them or any of them to the President or to the Attorney-General."

In response thereto I inclose herewith telegram dated July 21, 1909, from Mr. Schwartz to myself and translation of the same; telegram dated July 22, 1909, from myself to Mr. Schwartz and translation thereof. These two telegrams were not filed with any of the Alaska papers. I also inclose letters from M. D. McEniry to myself, dated September 4, 1909, and September 10, 1909, each inclosing newspaper clippings.

This constitutes all the papers relating for in said paragraph to myself or from myself to either of said parties relating to the Cunningham coal claims or the so-called Glavis charges not contained in Senate Document 248.

Very respectfully,

FRED DENNETT,  
*Commissioner.*

RSC.

2049

[In reply please refer to "P"-JTM.]

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
*Washington, D. C., March 9, 1910.*

HON. SECRETARY OF THE INTERIOR.

SIR: Referring to the communication of Private Secretary Don M. Carr dated March 7, 1910, relative to the request of the Joint Committee of Congress investigating the Interior Department and Forest Service, calling for paragraph 2, in part:

"also originals (and so far as originals are not available, copies) of all letters, telegrams, and memoranda and papers of, from, or to, or made by Messrs. Ballinger, Dennett, Schwartz, Lawler, Finney, and Carr (supplemented March 8 by names of McEniry and Murphy) dated, written, or made prior to September 20, 1909, not contained in Senate Document 248, relating to the Cunningham coal claims or the so-called Glavis charges, including among others the papers and memoranda submitted by them or any of them to the President or to the Attorney-General."

I have to advise you in reference to said paragraph that I have neither originals or copies of any letter, telegram, etc., to myself or from myself to either of said parties relating to the Cunningham coal claims or the so-called Glavis charges, not contained in Senate Document No. 248.

Very respectfully,

JOHN T. MURPHY,  
*Law Examiner, G. L. O.*

AJK.

1933

DEPARTMENT OF JUSTICE,  
OFFICE OF THE ATTORNEY-GENERAL,  
Washington, D. C., March 16, 1910.

Hon. KNUTE NELSON,  
*Chairman Joint Committee,  
United States Senate.*

MY DEAR SENATOR NELSON: I am in receipt of your favor of March 15, handing me a letter received by you from Mr. Louis D. Brandeis, under same date, asking that I be requested to produce to the committee the following papers:

"All letters, telegrams, and other papers received by him prior to September 19, 1909, from L. R. Glavis, from Henry M. Hoyt (the attorney-general of Porto Rico), from Secretary Ballinger, or from any other person relating to the construction of the act of May 28, 1908 (the Alaska coal-land act, or to the Cunningham claims, or to the so-called Glavis charges), and copies of all letters, telegrams, and other papers sent by him to any person prior to said date in relation to any of said matters."

In reply I beg to transmit herewith the only papers which seem to be on the files of this department falling within the above description, viz:

Letter addressed to me by Secretary Ballinger, dated May 26, 1909.

Letter addressed to me by Assistant Secretary Pierce, dated May 26, 1909.

Carbon copy of letter dated Portland, Oreg., March 23, 1909, addressed to the Commissioner of the General Land Office by L. R. Glavis, chief of field division.

Carbon copy of statement by H. H. Schwartz, chief of field division, as to the Alaska coal-land act of May 28, 1908.

Carbon copy of letter addressed to the Commissioner of the General Land Office by — (apparently L. R. Glavis), chief of field division, dated May —, 1909.

Letter addressed to me by Frank Pierce, Acting Secretary of the Interior, dated August 27, 1909, and carbon copy of reply to the same by the Acting Attorney-General, dated August 28, 1909.

Very respectfully, yours,

GEO. W. WICKERSHAM,  
*Attorney-General.*

1934

THE SECRETARY OF THE INTERIOR,  
Washington, March 17, 1910.

SIR: Complying with the request contained in your letter of the 14th instant, I beg to transmit herewith:

(1) Communications from Secretary Pierce and Messrs. Finney and Carr, relating to paragraph 2 of the memorandum which accompanied your letter to me of March 7, 1910; also copy of letter from myself to Mr. Lawler, dated August 15, 1909, which Mr. Lawler states is the only correspondence in his possession coming within the provisions of your request. The subject-matter of the letter of August 5 therein referred to does not come within the provisions of paragraph 2 of the memorandum above mentioned.

The first sentence of paragraph 2 of the above-mentioned memorandum requests: "Original (or if original not available) copy of telegram of Oscar Lawler to H. H. Schwartz to which telegram of Schwartz to Lawler, appearing on page 99 of Senate Document 248, is a reply."

In this connection you are informed that the telegram from Schwartz to Lawler above mentioned was not in response to one from Lawler to Schwartz, but was in accord with a verbal understanding before Mr. Lawler left Washington.

(2) List of coal claims in the Katalla district other than those set forth in the report of H. T. Jones, dated August 13, 1907 (S. Doc. 248, p. 453). The addresses on the list have been obtained from affidavits in special agents' reports. The local land officers at Juneau have been directed to furnish the missing addresses where the same do not appear in the list herewith, and also the names of any other claimants which their records disclose.

(3) Copy of letter from myself to Representative Mondell, dated March 30, 1908, which is the letter referred to in my letter of March 31, 1908, to Mr. Dennett; also copy of letter of March 21, 1908, from Mr. Mondell to me, to which my letter of March 30 was a reply; also copy of letter dated April 30, 1908, from Commissioner Dennett to me, which is the letter referred to in my letter to Mr. Dennett of May 8, 1908, instead of August 8, 1908, as well as copy of letter dated

April 24, 1908, from me to Mr. Dennett, to which the commissioner's letter is a reply.

Very respectfully,

R. A. BALLINGER,  
*Secretary.*

HON. KNUTE NELSON,  
*Chairman Joint Committee of Congress, United States Senate.*

DEPARTMENT OF THE INTERIOR,  
*Washington, March 16, 1910.*

The SECRETARY: I can not now recall, nor is there any record in my office of any correspondence relating to the Cunningham coal claims or the so-called Glavis charges, between myself and the persons mentioned in paragraph 2 of the letter of Senator Nelson to you of March 7, 1910, other than contained in Senate Document 248, and other correspondence heretofore furnished to Senator Nelson's committee.

FRANK PIERCE,  
*First Assistant Secretary.*

DEPARTMENT OF THE INTERIOR,  
*Washington, March 14, 1910.*

Mr. SECRETARY: In response to the request of the chairman of the joint committee investigating the department that there be furnished all letters, telegrams, or memorandums addressed by me to Messrs. Ballinger, Pierce, Lawler, Schwartz, or Carr, or by them to me prior to September 4, 1908, relating to the Cunningham coal claims or Glavis charges, I have the honor to advise that I do not know of any such papers written by or addressed to me other than those already submitted and printed in Senate Document No. 248.

Very respectfully,

E. C. FINNEY,  
*Assistant to the Secretary.*

HON. R. A. BALLINGER,  
*Secretary of the Interior.*

1935

DEPARTMENT OF THE INTERIOR,  
*Washington, March 15, 1910.*

SIR: In so far as paragraph 2 of the memorandum which accompanied the letter to you of Senator Nelson of March 7 applies to me, I have to say that I have not, nor do the files disclose, any correspondence, etc., relating to the Cunningham cases or the Glavis charges, between myself and any of the other persons mentioned in said paragraph 2, other than as is contained in Senate Document 248 and the telegrams between Mr. Schwartz and myself forwarded to Senator Nelson with your letter of March 12.

Very respectfully,

DON M. CARR, *Private Secretary.*

HON. R. A. BALLINGER,  
*The Secretary of the Interior.*

DEPARTMENT OF THE INTERIOR,  
*Washington, March 18, 1910.*

HON. KNUTE NELSON,  
*Chairman Joint Committee of Investigation.*

DEAR SIR: In further compliance with your letter of February 12, requesting copies of recommendations by the Reclamation Service for the restoration of lands withdrawn for reclamation and power-site purposes, and in response to specific telephonic request for the restorations described in Table 2, page 86, Senate Document No. 248, I have the honor to inclose herewith copies of the restorations of April 6 on the Green River, Wyoming; April 7 on the Colorado River, Utah; and March 20 and April 15 on the Green River, Utah. The other restorations described in said table were furnished to your committee with my letters of March 4 and 5, 1910.

Very respectfully,

FRANK PIERCE, *Acting Secretary.*

2110

DEPARTMENT OF JUSTICE.  
OFFICE OF THE ATTORNEY-GENERAL,  
Washington, D. C., March 23, 1910.

HON. KNUTE NELSON,

*Chairman Joint Committee of Congress to Investigate the Interior  
Department and Forestry Bureau, United States Senate.*

MY DEAR SENATOR: I have yours of 22d instant, inclosing copy of a letter addressed to you by Louis D. Brandeis, esq., attorney for Louis R. Glavis, requesting the production to your committee of "any letters, telegrams, or memoranda or papers relating to the Cunningham claims, or the so-called Glavis charges (other than those contained in Senate Document No. 248, or already transmitted with the Attorney-General's said letter of March 16, 1910), which were written, dictated, or made prior to September 20, 1909, and sent or submitted by him to the President, his private secretary or other assistant, or which were received by the Attorney-General or any assistant from the President, private secretary or assistant, or any other person."

The only papers that I can find in this department which could come within this description, other than those transmitted to you with my letter of March 16, 1910, are copies of communications submitted to me by the President, the originals of which have been already transmitted by him to you, and which, therefore, must be in the hands of your committee.

Faithfully, yours,

GEO. W. WICKESHAM,  
*Attorney-General.*

2214

WASHINGTON, March 24, 1910.

SIR: Complying with the request contained in your letter of the 16th instant, there are transmitted herewith:

(1) Files of the department and the Indian Office relating to the contract between Governor McCurtain, of the Choctaw Nation, and Mr. Ormsby McHarg, as attorney for said nation.

(2) Files of the Indian Office and so much of departmental file No. 5, part 1 (deeds, Quapaw Agency), as relate to the purchase of the allotment of one Charles Bluejacket by Paul A. Ewart.

In connection with paragraph 2, above mentioned, your attention is invited to the fact that since the approval of the deed to Mr. Ewart an investigation of the regularity of this transaction was made by a special representative of the Department of Justice, whose report was referred to this Department and by me referred to an inspector for further investigation in the field.

The department has knowledge of other papers with regard to the Bluejacket allotment case, which it can not now furnish, because they are in the possession of the inspector, who, on January 7, was directed to make this investigation as soon as possible. Recent advices indicate that the investigation has been under way for some little time and a report is expected within the near future, when all papers now in the possession of the inspector will be forwarded to you.

Very respectfully,

R. A. BALLINGER, *Secretary.*

HON. KNUTE NELSON,

*Chairman Joint Committee of Investigation.*

2111

THE SECRETARY OF THE INTERIOR,  
Washington, March 25, 1910.

SIR: Replying to your letter of March 22, enclosing a copy of a communication from Mr. Brandeis, dated March 21, I have to say that copies of the letter of Mr. Brandeis were furnished to all of the persons named therein connected with this department, and I send herewith the replies of Messrs. Pierce, Lawler, Dennett, Finney, Carr, and Murphy. Those of Messrs. Schwartz and McEniry will be forwarded when received.

I also transmit copies and originals of letters and telegrams furnished by Chief of Field Division McEniry, in compliance with your request of March 8.

With respect to any memoranda, letters, telegrams, data, etc., in the files of the department, or elsewhere, I beg to invite your attention to my communication of March 12. I am informed that further search has failed to disclose any docu-

ments coming within the purview of your requests which have not already been furnished.

In further compliance with paragraph 10 of the request of January 27, 1910 (page 319 of the testimony), I submit herewith original letter of October 13, 1908, from Clarence Cunningham to the register and receiver, Juneau, Alaska, forwarded by Register Walker of the Juneau office March 11, 1910.

Very respectfully,

R. A. BALLINGER,  
*Secretary.*

HON. KNUTE NELSON,  
*Chairman Joint Committee of Investigation,  
Room 210, Senate Office Building.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF FIRST ASSISTANT SECRETARY,  
*Washington, March 23, 1910.*

MR. SECRETARY: In response to the call of Mr. Louis D. Brandeis, of March 21, 1910, I have to answer that I do not know of any papers, memoranda, telegrams, or correspondence of any kind with anybody, with relation to the Cunningham coal entries or the Glavis charges, which have not already been furnished to the committee. I have already furnished all that I have in my private files.

FRANK PIERCE,  
*First Assistant Secretary.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,  
*Washington, March 23, 1910.*

HON. KNUTE NELSON,  
*Chairman Joint Investigating Committee,  
United States Senate.*

MY DEAR SENATOR: The Secretary has handed me copy of communication to yourself, signed by Mr. Louis B. Brandeis, in which reference is made to certain calls submitted by the latter for documentary matter in the possession of various persons, including myself, to which calls Mr. Brandeis complains 2112 insufficient response has been made. Upon my attention being directed to such calls, all matter in my personal or official possession coming within the purview thereof was turned over to Mr. Carr, private secretary to Secretary Ballinger, and transmitted as requested.

Very respectfully,

OSCAR LAWLER,  
*Assistant Attorney-General.*

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
*Washington, March 25, 1910.*

HON. SECRETARY OF THE INTERIOR.

SIR: I am in receipt of a letter dated March 21, 1910, from Attorney Louis D. Brandeis, addressed to Hon. Knute Nelson, chairman Joint Investigating Committee, requesting as follows:

"First. That Messrs. Ballinger, Dennett, Schwartz, Lawler, Flinney, Carr, Murphy, and McEniry, and each of them, be requested to produce to this committee originals (and, so far as originals are not available, copies) of all letters, telegrams, memoranda, and papers, whether official or personal, relating to the Cunningham claims or the so-called Glavis charges sent or received by any of them, respectively, or made, dictated, or prepared by them or any of them, respectively, in whole or in part, prior to September 20, 1909, and which are not contained in Senate Document No. 248, or already produced by them to your committee in pursuance of previous calls, meaning to include, among others, all papers or memoranda submitted by them or any of them to, or prepared by them or any of them in whole or in part for the President, his private secretary or other assistant, or the Attorney-General or any assistant, and all communications received from the President, his secretary or any assistant, or the Attorney-General or any assistant.

"Second. That Messrs. Ballinger, Dennett, Schwartz, Lawler, Flinney, Carr, Murphy, and McEniry, and each of them, be requested to make written reply whether in addition to the documents produced they have knowledge of any



other such letters, telegrams, papers, or memoranda not now available for production; and if so, what such other documents are."

In reply I have to advise you that all the letters, telegrams, etc., from myself to either of said persons named therein, or from either of said persons to myself, relating to the Cunningham claims or the so-called Glavis charges, made or dictated prior to September 20, 1909, and not contained in Senate Document 248, I have been able to find have been forwarded to the joint committee, and I have no recollection of the contents of any other letters, telegrams, etc., if any such there may have been, that are not now available for production.

Very respectfully,

FRED DENNETT, *Commissioner.*

DEPARTMENT OF THE INTERIOR,  
Washington, March 22, 1910.

THE SECRETARY: Referring to the request of the chairman of the joint committee, at instance of Mr. Brandeis, March 5, 1910, for the production of "originals (and, so far as originals are not available, copies) of all other letters, telegrams, and memoranda, and papers of, from, or to, or made by Messrs. Ballinger, Dennett, Schwartz, Lawler, Finney, or Carr, dated, written, or made prior to September 20, 1909, not contained in Senate Document 248, relating to the Cunningham claims or the so-called Glavis charges, including, among others, all papers or memoranda submitted by them or any of them to the President or to the Attorney-General," and to Mr. Brandeis's communication of March 21, averring that my answer to the committee of March 14, 1910, does not cover fully the request made by him, I have the honor to state that I have not in my possession originals or copies, nor can I find on file any originals or copies of any such letters, telegrams, memoranda, or papers, of, from, or to, or made by me, addressed to the persons named in said letter of March 5, or by any of them addressed to me.

Very respectfully,

E. C. FINNEY,  
*Assistant to the Secretary.*

HON. R. A. BALLINGER,  
*Secretary of the Interior.*

2113

THE SECRETARY OF THE INTERIOR,  
Washington, March 24, 1910.

SIR: I have received a copy of the letter of Mr. Brandeis of March 21, 1910, in which it is stated:

"Mr. Carr's reply of March 15, 1910 (testimony, p. 1935), appears also to be limited so as to exclude all papers, memoranda, or telegrams except correspondence between himself and Messrs. Ballinger, Dennett, Schwartz, Finney and Carr."

In reply I beg to state that my letter of March 15 was intended to be in full compliance with the requests of March 5 and 12 of Mr. Brandeis, and was meant to include all correspondence, memoranda, telegrams, etc., which I received from or addressed to any or all of the persons mentioned in said requests, which likewise includes all other persons mentioned in paragraph 1 of letter of March 21.

Very respectfully,

DON M. CARR, *Private Secretary.*

HON. R. A. BALLINGER,  
*Secretary of the Interior.*

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
Washington, March 23, 1910.

HON. SECRETARY OF THE INTERIOR:

SIR: Referring to communication dated March 21, 1910, from Louis D. Brandeis, addressed to the Hon. Knute Nelson, chairman, joint investigating committee, Senate Chamber, Washington, D. C., relative to the request of the joint committee of Congress investigating the Interior Department and the Forest Service for certain records, wherein the following requests are made:

"First: That Messrs. Ballinger, Dennett, Schwartz, Lawler, Finney, Carr, Murphy, and McEniry, and each of them, be requested to produce to this committee originals (and so far as originals are not available, copies) of all letters, telegrams, memoranda, and papers, whether official or personal, relating to the

Cunningham claims or the so-called Glavis charges sent or received by any of them, respectively, or made, dictated, or prepared by them or any of them, respectively, in whole or in part, prior to September 20, 1909, and which are not contained in Senate Document No. 248, or already produced by them to your committee in pursuance of previous calls, meaning to include, among others, all papers or memoranda submitted by them or any of them to or prepared by them or any of them in whole or in part for the President, his private secretary, or other assistant, or the Attorney-General or any assistant, and all communications received from the President, his secretary, or any assistant, or the Attorney-General or any assistant.

"*Second:* That Messrs. Ballinger, Dennett, Schwartz, Lawler, Finney, Carr, Murphy, and McEniry, and each of them, be requested to make written reply whether in addition to the documents produced they have knowledge of any other such letters, telegrams, papers, or memoranda not now available for production, and, if so, what such other documents are."

I have to advise you in reference to the above-quoted paragraphs, that I have neither original nor copies of any letter, telegram, memorandum, etc., to myself or from myself to either of said persons named therein relative to the Cunningham coal claims, or the so-called Glavis charges, nor have I any knowledge of the existence of any such letters, telegrams, papers, or memoranda, which are not contained in Senate Document No. 248, or already placed before the committee.

Very respectfully,

JOHN T. MURPHY,  
*Law Examiner, G. L. O.*

712-14 E. & C. BLDG.,  
Denver, Colo., March 12, 1910.

HONORABLE COMMISSIONER GENERAL LAND OFFICE,  
*Washington, D. C.*

SIR: By letter dated March 9, 1910, from the Assistant Chief of Field Service, I am directed, under the call of the joint committee investigating the Forest Service and our department, to forward any letters, papers, etc., relating to the Cunningham coal claims to you.

2114 I have carefully looked through my official and personal letter files, and herewith transmit a number of letters addressed to me and copies of letters that I have written in which the so-called Glavis charges or the Cunningham entries are among the subjects discussed.

Very respectfully,

M. D. McENIRY,  
*Chief, Field Division.*

2110

[The Secretary of the Interior.]

WASHINGTON, March 24, 1910.

SIR: Complying with your request of the 23d instant there is forwarded herewith copy of the telegram of May 28, 1908, from Commissioner Dennett to Special Agent Glavis at Portland, Oregon. The original telegram, it is presumed, is on file in the office of the chief of field division at Portland, Oregon, and will be called for if desired.

Very respectfully,

R. A. BALLINGER,  
*Secretary.*

HON. KNUTE NELSON,  
*Chairman Joint Investigating Committee, United States Senate.*

2521

WASHINGTON, March 28, 1910.

HON. KNUTE NELSON,  
*Chairman Joint Investigating Committee, Washington, D. C.*

MY DEAR SIR: In compliance with the request of the committee, I hand you herewith the agreement between Mr. Barr and Mr. Glavis, referred to in Mr. Barr's testimony, and transmitted by his clerk to Washington in Mr. Glavis's care, and by the latter handed to me yesterday for delivery to the committee.

Yours, truly,

LOUIS D. BRANDEIS.

2521

THE SECRETARY OF THE INTERIOR,  
Washington, March 29, 1910.

SENATOR: In compliance with the directions contained in your letter of the 28th instant, inclosing copy of letter of Mr. Brandeis requesting that certain papers from the files of this department be furnished, I beg to say that I transmit herewith certain papers relating to the sale by the Maxwell Ditch Company to the United States of certain property and rights in connection with the Hermiton project, which, it is presumed, are the records desired. The other records called for will be furnished as rapidly as possible.

In this connection I beg to add that the demands which have been made on this department for records by Mr. Brandeis since this investigation began have been so numerous and extensive as to result in great inconvenience and expense. That which may be described as the prosecution in these proceedings has now rested, and evidence is now being introduced by counsel representing me. From this statement it is obvious that the demands of Mr. Brandeis can no longer be regarded as in the furtherance of a proper inquiry, but as being made as a mere "fishing" process. As the prosecution has rested, and as all papers heretofore called for have been furnished, it is respectfully submitted that demands upon this department for records made hereafter should not be allowed unless (1) they relate to some matter to which the evidence now being presented in my behalf relates and which records have not heretofore been presented, (2) or the nature of the evidence desired be set out, together with a statement of what those records will show, the belief of the applicant that the records will so show, and the names of the informants upon whom the applicant relies for information to support the demands so made.

Very respectfully,

R. A. BALLINGER, *Secretary.*

HON. KNUTE NELSON,  
*Chairman Joint Committee of Investigation,*  
210 Senate Office Building.

2521

[The Secretary of the Interior.]

WASHINGTON, March 31, 1910.

SENATOR: I beg to acknowledge receipt of your letter of the 30th instant, together with copies of letters to you of Mr. L. D. Brandeis, both dated March 30, 1910. In response thereto, I beg to call your attention to my letter to you of March 29 and to say that it appears to me to be a proper response to the further demands now made by Mr. Brandeis upon me. They are of the same character and subject to the like objection.

As to the affidavits referred to in the letter of March 30, 1910, I would add that they are in the possession of Mr. Christensen, who has been summoned as a witness and who will be examined at an early date, and at that time these affidavits, as well as all other papers relating to the matter to which Mr. Christensen will depose, can then be seen.

I repeat that in these applications made now when the evidence of the prosecution has closed and ours has been entered upon, I see nothing else than an oblique attempt to control the manner in which the evidence I shall present shall be introduced.

Of course, I stand ready, in so far as possible, to comply with all orders of the committee made after matters to which I have referred have been made the subject of consideration.

Very respectfully,

R. A. BALLINGER, *Secretary.*

HON. KNUTE NELSON,  
*Chairman Joint Investigating Committee,*  
United States Senate.

2522

[The Secretary of the Interior.]

WASHINGTON, March 31, 1910.

SIR: In further compliance with the request contained in your letter of the 28th instant, I beg to submit herewith—

(1) Daily reports of Chief of Field Division A. Christensen, from August 1, 1909, to March 28, 1910.

(2) Daily reports of Special Agent George A. Parks, from September 1, 1909, to March 15, 1910 (Mr. Parks was furloughed from and after March 15, 1910).

(3) Daily reports of Special Agent James M. Sheridan, from June 18, 1908, to March 26, 1910.

(4) The papers relating to the Maxwell Land and Irrigation Company were furnished on the 29th instant.

(5) Originals and copies of correspondence and telegrams relating to the Hunt group of claims, or the Alaska Petroleum and Coal Company, received or sent subsequent to December 1, 1909. The papers herewith (28 in number) are all in the said file of date subsequent to December 1, 1909, except those furnished to the committee February 5, 1910 (page 635 of the testimony).

In connection with the daily reports of the several special agents and papers relating to the Hunt group of coal claims, submitted herewith, it is desired that a representative of this department be permitted to pass upon said daily reports and correspondence for the purpose of determining, prior to the printing of any of them in the record, whether or not they contain information which would prejudice the interests of the Government in the event they were made public at this time.

I also beg to transmit herewith, in accordance with your request of the 29th instant—

(1) Daily reports of Special Agent Frank L. Spalding, from January 1, 1909, to December 1, 1909, except from August 1 to 5, inclusive, and September 1 to October 13, inclusive. Mr. Spalding was on duty in the office of the chief of the field division on the dates for which no reports are furnished and submitted no reports covering the said dates.

(2) Original letter of October 18, 1909, from Special Agent Sheridan to Chief of Field Service Schwartz.

Very respectfully,

R. A. BALLINGER,  
*Secretary.*

Hon. KNUTE NELSON,  
*Chairman Joint Committee of Investigation,  
Room 210, Senate Office Building.*

2857

THE SECRETARY OF THE INTERIOR,  
*Washington, April 8, 1910.*

SIR: Referring to your letter of the 30th ultimo, I transmit herewith communications from Messrs. Lawler, Clements, Finney, Carr, and McEniry, which are self-explanatory.

Very truly yours,

R. A. BALLINGER, *Secretary.*

Hon. KNUTE NELSON,  
*Chairman Joint Investigating Committee, United States Senate.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,  
*Washington, March 31, 1910.*

Hon. KNUTE NELSON,  
*Chairman Joint Committee,  
Washington, D. C.*

MY DEAR SENATOR: I am in receipt, by reference from the Secretary, of copy of communication of March 29, 1910, from Louis D. Brandeis, in which the following appears:

"Mr. Lawler, in his letter of March 23, 1910 (testimony, 2111), replies merely that 'all matter in my personal or official possession coming within the purview thereof' (my letter) 'was turned over to Mr. Carr, private secretary to Secretary Ballinger, and transmitted as requested.' Mr. Lawler has omitted to comply with the request in the 'second' paragraph of my letter of March 21, 1910 (testimony, 2109), in which he is 'requested to make written reply whether in addition to the documents produced they have knowledge of any other such letters, telegrams, papers, or memoranda not now available for production, and if so, what such other documents are.'

"Will you kindly ask Mr. Lawler to reply specifically and fully to that inquiry."

I have heretofore fully and completely responded to all requests for the production of documents in my possession or under my control. If, however, there are any specific writings supposed to be in my possession or control which have not been produced (and there are none to my knowledge), I shall be glad to respond to a request therefor.

In so far as the request referred to calls for a statement of facts which are, or may be supposed to be, within my knowledge, I shall, of course, hold myself subject to the convenience of the committee should it desire my testimony in regard thereto.

Very respectfully,

OSCAR LAWLER,  
*Assistant Attorney-General.*

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DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL.  
*Washington, April 1, 1910.*

HON. KNUTE NELSON,  
*Chairman Joint Committee of Congress,  
United States Senate.*

SIR: Responding to your letter of the 30th ultimo, I have to advise you that I have no knowledge of what has heretofore been introduced by way of documents, memoranda, etc., in connection with the investigation of the Interior Department and the Forestry Bureau, now in course of hearing before your committee, not having read the minutes of such hearing.

I furnished Mr. First Assistant Secretary Pierce with a memorandum, dated August 30, 1909, bearing upon the preparation of the opinion signed by him May 19, 1909, construing the act of May 28, 1908 (35 Stat., 424), which, I am informed, is already in the record.

I do not now recall having prepared in whole or in part any other memorandum, paper, or letter, official or personal, relating to the Cunningham claims, or the so-called Glavis charges, and have no knowledge of any such papers not now available for production.

Very respectfully,

F. W. CLEMENTS, *First Assistant Attorney.*

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DEPARTMENT OF THE INTERIOR,  
*Washington, March 31, 1910.*

HON. KNUTE NELSON,  
*Chairman Joint Committee of Congress.*

SIR: In reply to letter of Mr. Louis D. Brandeis, dated March 29, 1910, requesting further statement from me with reference to papers, letters, telegrams, or memoranda relating to the Cunningham claims or the Glavis charges, and alleging that my reply to his letter of March 21, 1910, does not fully meet the request contained therein, I have the honor to advise you that I have not in my possession, nor have I been able to find in the files, any papers, letters, telegrams, or memoranda by, to, or from myself or any of the parties named, or any other papers relating to the matter at issue, which have not already been furnished. I have no recollection whatever of any matters written by me during the period specified to any of the parties named which have not been produced and filed with your committee, except that I do recollect of having furnished First Assistant Secretary Pierce with a memorandum containing a list of the Cunningham coal entries, which data I secured from the files of the General Land Office. This data is printed on page 175, Senate Document 248. I also furnished Mr. Pierce with a memorandum of facts within my knowledge relating to the Cunningham cases for his use in preparing the letter he addressed to the President on September 1, 1909, pages 171 et seq. of Senate Document 248. Both the papers in question were what may be called unofficial memoranda and were doubtless thrown in the waste basket after he had finished with them. This is the only recollection I have concerning any papers whatever such as described by Mr. Brandeis.

Very respectfully,

E. C. FINNEY, *Assistant to the Secretary.*

2859

THE SECRETARY OF THE INTERIOR,  
Washington, April 8, 1910.

SIR: Supplementing my letters of March 15 and 24 to you, I beg to say that I have no knowledge or recollection of any correspondence, memoranda, or telegrams, etc., relating to the Cunningham claims or the so-called Glavis charges which I have received from or addressed to any or all of the persons mentioned in the several requests of Mr. Brandeis other than that heretofore furnished.

Very truly yours,

DON M. CARR, *Private Secretary.*

The SECRETARY OF THE INTERIOR.

712-14 E. & C. BUILDING,  
Denver, Colo., March 28, 1910.

DEAR MR. SECRETARY: Referring to Senator Nelson's communication of March 22 relative to papers and correspondence from me promised in your letter of March 12, I have the honor to advise you with respect to same that I have neither original nor copy of any letter, telegram, memorandum, etc., addressed to me, or from me to either yourself, Messrs. Dennett, Schwartz, Lawler, Finney, Carr, or Murphy relative to the Cunningham coal claims or the so-called Glavis charges; nor have I any knowledge of the existence of any such letters, telegrams, papers, or memoranda which are not contained in Senate Document No. 248 or already placed before the committee.

Very respectfully,

M. D. MCENIRY,  
*Chief Fifth Field Division.*

HON. RICHARD A. BALLINGER,  
*Secretary of the Interior, Washington, D. C.*

2856

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
Washington, April 7, 1910.

HON. KNUTE NELSON,  
*Chairman Joint Committee of Congress,  
Room 210, Senate Office Building.*

SIR: On March 5, 1910, Mr. Louis D. Brandeis, attorney, requested:

"Also originals (and so far as originals are not available, copies) of all other letters, telegrams, and memoranda and papers of, from or to, or made by Messrs. Ballinger, Dennett, Schwartz, Lawler, Finney, or Carr, dated, written, or made prior to September 20, 1909, not contained in Senate Document 248 relating to the Cunningham claims or the so-called Glavis charges, including among others, all papers or memoranda submitted by them or any of them to the President or to the Attorney-General."

And on March 21, 1910:

2857 "That Messrs. Ballinger, Dennett, Schwartz, Lawler, Finney, Carr, Murphy, and McEniry, and each of them, be requested to produce to this committee originals (and so far as originals are not available, copies) of all letters, telegrams, memoranda, and papers, whether official or personal, relating to the Cunningham claims or the so-called Glavis charges, sent or received by any of them, respectively, or made, dictated, or prepared by them, or any of them, respectively, in whole or in part, prior to September 20, 1909, and which are not contained in Senate Document No. 248 or already produced by them to your committee in pursuance of previous calls, meaning to include, among others, all papers or memoranda submitted by them, or any of them, to or prepared by them, or any of them, in whole or in part, for the President, his private secretary, or other assistant, or the Attorney-General, or any assistant, and all communications received from the President, his secretary, or any assistant, or the Attorney-General, or any assistant."

And on March 29, 1910. Mr. Brandeis states:

"Mr. Dennett has confined his reply to letters and telegrams (and, I assume, memoranda and papers) from himself to persons named, and from persons named to himself. My inquiry called also for memoranda and papers, 'whether official or personal, made, dictated, or prepared by them, or any of them, in whole or in part,' and is not confined to papers or memoranda sent to or re-

celved from the persons named. Mr. Dennett's reply denies 'recollection of the contents of any other letters, telegrams, etc.' My inquiry of March 21, 1910 (testimony 2100), requests him to 'reply whether in addition to the documents produced' he has 'knowledge of any other such letters, telegrams, papers, or memoranda,' and it does not inquire merely as to his recollection of the contents of such other letters."

I now have to advise you that I have no letters, telegrams, memoranda, or papers, whether official or personal, described in the above communications, which are not contained in Senate Document 248, or already produced to your committee; nor have I any present knowledge of any such letters, telegrams, memoranda, and papers that are not now available.

Very respectfully,

FRED DENNETT, *Commissioner.*

3048

OFFICE OF THE ATTORNEY-GENERAL,  
DEPARTMENT OF JUSTICE,  
Washington, D. C., April 12, 1910.

HON. KNUTE NELSON,  
*Chairman Committee to Investigate the  
Interior Department and Forestry Service,  
United States Senate.*

MY DEAR SENATOR NELSON: Replying to your letter of 7th instant, transmitting letter addressed to you by Mr. Brandels, under date of April 7, in which he quotes from my letter of March 23, viz: "The only papers that I can find in this department which could come within this description other than those transmitted to you with my letter of March 16, 1910, are copies of communications submitted to me by the President, the originals of which have been already transmitted by him to you, and which therefore must be in the hands of your committee," and saying: "I am not aware that any 'originals' have been at any time transmitted by the President to this committee, and in order that the committee and counsel may be definitely advised in the matter, I respectfully request that the Attorney-General be requested to furnish a complete list 'of the copies of communications' submitted to him by the President—together with all letters of transmittal from the President or his secretary and replies thereto."

Upon more careful investigation I find that the papers to which I referred, and which I was of the impression had been transmitted to your committee, were those transmitted by the President to the Senate, not to your committee, in response to the resolution of the Senate of December 21, 1909, by a message from the President, dated January 6, 1910 (Cong. Rec., Jan. 6, 1910, pp. 379-380). I assume that the originals of those papers are in the hands of the Secretary of the Senate, and no doubt at the disposal of your committee.

3049 I beg to hand you a copy of my communications to the President which are referred to in his message to Congress. The other papers which he refers to are, as stated above, undoubtedly in the hands of the Secretary of the Senate.

Respectfully,

GEO. W. WICKERSHAM,  
*Attorney-General.*

THE SECRETARY OF THE INTERIOR,  
Washington, April 13, 1910.

SIR: On March 30, 1910, Mr. Brandels called for, among other things, (4) A list of all companies seeking patents or seeking to consolidate claims under the Alaska coal law of May 28, 1908, and all papers relating to any such applications.

You are advised that there are only three such applications now pending in the General Land Office, namely, Juneau 0456, application of the Chignik Coal Mining Company; Juneau 0862, application by the Pittsburg Coal Company; and Juneau 01222, application by the Cleveland Coal Company.

The papers relating to these applications are very numerous, and it would take some time to make copies of all of them. It is the rule of the department not to allow original papers out of its possession until a copy has been made

to be retained in the files. If Mr. Brandeis will indicate what hours in any day or days when he cares to look over these papers, they will be sent up to the committee in the custody of a clerk of the General Land Office to enable Mr. Brandeis to have full opportunity to examine the same. Should any copies thereof be desired, upon receipt of such information the same will be promptly furnished.

I submit herewith a copy of a letter from the register of the Juneau land office, dated March 26, 1910, giving the status of all the applications under the act of May 28, 1908, still pending in that office which have not yet been forwarded to the General Land Office; also, the report referred to in said letter. The report, which is in the shape of a memorandum, gives the status of entries pending before the Juneau land office, and contains information which, in the opinion of the department, should not be made public. It is requested that this report be not printed in the record of the hearing.

Very respectfully,

R. A. BALLINGER, *Secretary.*

HOB. KNUTE NELSON,  
*Chairman Joint Investigating Committee,  
Room 210, Senate Office Building.*

THE SECRETARY OF THE INTERIOR,  
*Washington, April 13, 1910.*

SIR: I have the honor to acknowledge the receipt of your letter of the 8th instant, confirming the telephone message from your office in the matter of the resolution adopted by the joint committee on the 8th instant relative to the submission to the committee of certain records of this department.

Replying to your letter of the 30th ultimo, I beg to say, with reference to the "affidavits or statements in relation to the so-called missing letters," requested by Mr. Brandeis in his letter of the 30th ultimo, that all of said affidavits or statements were introduced on April 8 in connection with the testimony of Mr. Christensen.

(2) Letters from Glavis to Bowman, dated August 29 and September 7, 1909, it is believed, are in the possession of Mr. Colter, chief of field division, General Land Office, at Duluth, Minn. Mr. Colter has been directed to furnish the letters in question.

(3) With regard to the request for the letter from "Glavis to Commissioner Dennett of June 10, 1908," you are informed that the records of the General Land Office fail to show the receipt of such a letter, and neither Mr. Schwartz nor Mr. Murphy have any recollection of ever having seen said letter, and Mr. Glavis in his testimony (p. 146 of the record), states:

" \* \* \* I prepared a report along in June to the Commissioner of the General Land Office \* \* \*, which I intended to transmit along with a copy of the United States attorney's letter; \* \* \* but I learned that Dennett was expected in Portland a short time after writing that letter, so I did not send it, \* \* \* "

(4) The original letter from the United States attorney to Glavis, dated November 6, 1908, is herewith.

3050 (5) The records of the department fail to show any correspondence to or from Mr. Behrens since January 1, 1910.

Referring to Mr. Brandeis's letter of March 31, I submit herewith the following:

(1) A copy of the directions from Assistant Commissioner Dennett to chief of Division "N," dated September 1, 1907.

(2) Original letters between Division "N" and Mr. Schwartz, as follows: November 5, 1907, from Heltman to Schwartz, advising that six coal entries are awaiting clear-listing; December 6, 1907, from Heltman to Division "P," advising that Charles J. Smith entry No. 3 is ready for patenting; January 3, 1908, from Heltman to Division "P," advising that W. W. Baker entry No. 22 is ready for patenting; January 4, 1908, from Schwartz to Division "N," clear-listing Cunningham entries; January 23, 1908, from Schwartz to Division "N," recalling the letter of January 4, 1908.

(3) Carbon of receipt, dated August 6, 1909, given by Special Agent Bowman to the Juneau land office.

(4) All the original papers relating to the Cunningham claims now or formerly in Division "B" have heretofore been submitted to your committee.



(5) Original letter, dated June 21, 1907, from Acting Commissioner Dennett to Horace T. Jones.

(6) All communications between any official of this department and Mr. Christensen subsequent to January 1, 1910, relating to the so-called missing letters, were introduced on April 8 in connection with the testimony of Mr. Christensen.

(7) All letters and telegrams between any official of the department and Mr. Christensen relating to the production of evidence before the joint committee were introduced on April 8 in connection with the testimony of Mr. Christensen.

Very respectfully,

R. A. BALLINGER, *Secretary.*

HON. KNUTE NELSON,  
*Chairman Joint Investigating Committee,  
Room 210, Senate Office Building.*

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THE SECRETARY OF THE INTERIOR,  
*Washington, April 14, 1910.*

SIR: In further reply to your letter of the 30th ultimo, I transmit herewith the original letters of August 29 and September 7, 1909, from L. R. Glavis to A. R. Bowman; also the list of people to be interviewed by said Bowman, mentioned in the letter of August 29.

Very respectfully,

R. A. BALLINGER,  
*Secretary.*

HON. KNUTE NELSON,  
*Chairman Joint Investigating Committee, United States Senate.*

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THE SECRETARY OF THE INTERIOR,  
*Washington, April 20, 1910.*

HON. KNUTE NELSON,  
*Chairman Joint Committee of Congress,  
United States Senate.*

SIR: In accordance with request of Mr. L. D. Brandels, pages 3107, 3110, and 3115 of the record of hearing before your committee, and pursuant to your notification of April 20, 1910, I have the honor to advise as follows:

1. The original letters of ex-Governor Miles C. Moore, and the original press copies or carbon copies of my replies thereto were furnished your committee with my letters of February 19 and February 21, 1910.

2. I inclose herewith the original memorandum prepared by Mr. Finney in May, 1909, dealing with the construction of the act of May 28, 1908, also type-written copy of said memorandum which, from the pencil notations thereon, appears to have been the copy submitted to the Attorney-General on May 26, 1909, with letter of First Assistant Secretary Pierce, and which was presumably returned to the files of this office with the opinion of the Attorney-General dated May 12, 1909. No other copies of said memorandum can be found in this office or in the General Land Office, except two copies which have been prepared to take the place in the files of those now forwarded.

3. I inclose herewith original letter of September 1, 1907, addressed by Mr. Fred Dennett, assistant commissioner, to the chief of Division N, copy of which is printed in the record, page 3115.

4. With respect to the request reported at page 3117 of the record for the production of letters, papers, or reports sent by Division N to Division P with reference to the clear listing or passing to patent of the so-called Cunningham coal entries, I have to advise you that Mr. Finney informs me that he has made a careful search of the records of said division and fails to find any letters, notifications, or papers relating to said subject other than those printed in Senate Document 248, or heretofore furnished the committee. For the further information of the committee, I inclose herewith copies of pages of the "coal entry docket" of the Mineral Division, General Land Office, upon which the said Alaskan coal entries were recorded.

Very respectfully,

R. A. BALLINGER, *Secretary.*

DEPARTMENT OF THE INTERIOR,  
Washington, April 21, 1910.

SIR: Referring to your letter of March 14 and in further compliance with the request as contained in paragraph 2 of the letter of Mr. Brandeis of March 12, 1910, I transmit herewith a list of coal claimants of the Katalla district, with the address of each claimant and the name and address of the agent. It will be noted that this list includes claims additional to the ones sent out in the list submitted on March 17, 1910, which information could only be obtained from the records of the local land office at Juneau, Alaska.

Very respectfully,

R. A. BALLINGER, *Secretary.*

HON. KNUTE NELSON,  
*Chairman Joint Investigating Committee,*  
*United States Senate.*

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THE SECRETARY OF THE INTERIOR,  
Washington, April 21, 1910.

SIR: Referring to the request made over the telephone this afternoon by the secretary to your committee for, "all papers relating to the discharge of John W. Dudley from the office of register of the land office at Juneau, Alaska, including among others affidavit of Arthur R. Bowman, special agent," I inclose herewith departmental file No. 22-37, being charges against Mr. Dudley, and so much of the report of Special Agent West, of the General Land Office, of his investigation of the Juneau (Alaska) office as bears upon the qualifications of Mr. Dudley and his official conduct, and based upon which his separation from the service was recommended. The files of this office fail to show any affidavit by Special Agent Bowman relating to this matter. The papers in the General Land Office are being assembled and will be transmitted as soon as possible. Owing to the apparent urgency of the request for these papers and the circumstances under which made, I transmit the original file of this office, with the suggestion that opportunity be afforded to withdraw these papers in order that copies thereof may be made in the event your committee desires to retain the original files for any considerable length of time.

Very respectfully,

R. A. BALLINGER,  
*Secretary.*

HON. KNUTE NELSON,  
*Chairman Joint Investigating Committee,*  
*United States Senate.*

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THE SECRETARY OF THE INTERIOR,  
Washington, April 22, 1910.

SIR: Referring to your letter of the 16th instant inviting attention to the letter of February 8, 1910, from Chief of Field Division Christensen to Mr. Schwartz as chief of the field service (printed on page 2814 of the testimony), with particular reference to the inclosures transmitted with said letter. I wish to say that a careful and thorough search of the files of the General Land Office fails to disclose said letter or the inclosures therein referred to. Neither Mr. Dennett nor Mr. Schwartz nor any of the employees through whose hands this letter would have passed in the ordinary routine recall ever having seen it. The copy of the letter of May 13, 1908, from the United States attorney to Special Agent Jones, printed on page 2417 of the testimony, was introduced in connection with the testimony of United States Attorney Todd. I inclose herewith copies of the letters referred to in the communication of Christensen to Schwartz of February 8, which were retained by Mr. Christensen at the time his letter of February 8 was written, as follows: (1) Letter of April 22, 1908, from Special Agent Jones to United States Attorney Todd; (2) letter of April 24, 1908, from Chief of Field Division Glavis to Special Agent Jones; (3) letter of May 14, 1908, from Special Agent Jones to United States Attorney Todd; (4) unsigned copy of letter dated June 8, apparently from Chief of Field Division Glavis to the Commissioner of

the General Land Office; (5) copy of letter dated May 18, 1908, from United States Attorney Todd to Chief of Field Division Glavis.

All of the calls heretofore made by your committee are being reviewed and any papers located will be submitted at once.

Very respectfully,

R. A. BALLINGER,  
*Secretary.*

HON. KNUTE NELSON,  
*Chairman Joint Investigating Committee,  
Senate Office Building, Washington, D. C.*

THE SECRETARY OF THE INTERIOR,  
*Washington, April 22, 1910.*

SIR: Replying to your letter of the 20th instant, I beg to say with reference to paragraph one of the letter of Mr. Brandeis that the letter referred to in the telegram of May 8, 1908, to Mr. Glavis, which telegram appears in the Senate document on page 228, was merged in the general instructions to chiefs of field divisions, dated May 12, 1908, and signed by Secretary Garfield, which letter also appears on page 228 of the Senate document.

As to paragraph two, the "report of facts" made by Mr. Glavis and referred to in Commissioner Dennett's letter of June 3, 1908, to Mr. Glavis, which letter appears on page 494 of the Senate document, is not a single report on the general situation, but comprises such matters as Mr. Glavis reported to the chief of field service, Schwartz, in November, 1907, and in subsequent correspondence up to and including the submission to the Commissioner of the General Land Office of the Cunningham journal.

As regards the memorandum prepared by Mr. Murphy, referred to in paragraph three, I transmit herewith said original memorandum, and while unsigned is identified by the writer's initials in the upper left-hand corner of the first page thereof. A copy of this memorandum, furnished the committee by the Forest Service, appears on page 527 of the Senate document.

Very respectfully,

R. A. BALLINGER, *Secretary.*

HON. KNUTE NELSON,  
*Chairman Joint Investigating Committee,  
Senate Office Building, Washington, D. C.*

3413

THE SECRETARY OF THE INTERIOR,  
*Washington, April 23, 1910.*

SIR: Complying with your request of the 16th instant, for "all correspondence on the files of the Department of the Interior or the Secretary's private files, or the files of the Geological Survey, relative to the withdrawals of oil lands referred to in the statement of the Geological Survey found on p. 1548 of the printed record of these hearings," I submit herewith copies of the files of the department, as follows:

File 2-41 (part 1)—General Land Office—Oil lands—General.  
File 2-41 (part 1)—General Land Office—Oil lands—Colorado.  
File 2-41 (part 1)—General Land Office—Oil lands—California.  
File 2-41 (part 2)—General Land Office—Oil lands—California.  
File 2-41 (part 3)—General Land Office—Oil lands—California.  
File 2-41 (part 1)—General Land Office—Oil lands—Oregon.  
File 2-41—General Land Office—Oil lands—Utah.  
File 2-41 (part 1)—General Land Office—Oil lands—Wyoming.

Also copies of certain correspondence furnished by the Geological Survey.

Very respectfully,

R. A. BALLINGER, *Secretary.*

HON. KNUTE NELSON,  
*Chairman Joint Investigating Committee,  
Senate Office Building, Washington, D. C.*

147179-34.]

DEPARTMENT OF JUSTICE,  
OFFICE OF THE ATTORNEY-GENERAL,  
Washington, D. C., April 23, 1910.

Hon. KNUTE NELSON,

*Chairman Joint Committee of Congress to Investigate the  
Interior Department and Forestry Bureau, United States Senate.*

MY DEAR SENATOR: In compliance with the request contained in your letter of April 21st, I beg to transmit herewith the papers on file in this department (File No. 147179—Nos. 1 to 32, inclusive) relating to a charge made against United States Marshal Love, of Alaska, with regard to the feeding of certain prisoners.

Very respectfully,

GEO. W. WICKERSHAM,  
Attorney-General.

3543

DEPARTMENT OF THE INTERIOR,  
Washington, April 26, 1910.

Hon. KNUTE NELSON,

*Chairman Joint Investigating Committee.*

SIR: In accordance with request of Mr. Louis D. Brandeis, page 3265 of the record, which request I understood to be tacitly approved by your committee, that I make a search of the records of the land office with reference to the facts and records pertaining to the clear listing of Juneau, Alaska, coal entries Nos. 17, 19, 21, 23, 28, and 29, in October, 1907, I have the honor to advise that I have made a careful examination of the papers in the entries mentioned and of the records and files of the General Land Office and find the following:

Coal entry No. 17, William E. Miller, bears the following notations: "Entry approved October 23, 1907, C. A. H." "2564." "January 4, 1908, clear listed by Division P, C. A. H."

Entry No. 19, B. C. Riblet, bears the following notation: "Entry approved October 23, 1907, C. A. H." "2565." "January 4, 1908, clear listed by Division P, C. A. H."

3544 Entry No. 21, Alfred Page, bears the following notations: "October 24, 1907, entry approved, C. A. H." "2566." "January 4, 1908, clear listed by Division P, C. A. H."

Entry No. 23, Frederick Burbidge, bears the following notations: "Entry approved October 26, 1907, C. A. H." "2567." "1908-3114. Report of special agent favorable, C. A. H."

Entry No. 28, Walter B. Moore, bears the following notations: "Entry approved October 28, 1907, C. A. H." "2569." "January 4, 1908, clear listed by Division P, C. A. H."

Entry No. 29, Arthur D. Jones, bears the following notations: "Entry approved October 28, 1907, C. A. H." "2570." "January 4, 1908, clear listed by Division P, C. A. H."

All of above cases also have upon them the pencil note: "C. A. H. when plats arrive."

It appears from the records of the Mineral Division that cases 17, 19, and 21, were sent to Division B, October 25, 1907; that case No. 23 was sent to Division B, October 28, 1907; and that cases 28 and 29 were sent to Division B, November 4, 1907. See copies of lists 184, 185, and 186, printed at page 3287 of the testimony. These lists were made up by Mr. P. J. Altizer who at that time was acting as one of the file clerks in Division N. The docket in Division B shows that the six cases were received in that division and entered upon the docket October 29, 1907, and the docket also bears the notation in pencil: "Withdrawn by N. See card in files." I examined the files and found there a card dated November 5, 1907, signed by P. J. Altizer, Division N, withdrawing the six cases described. Copy of the card is herewith inclosed. On the same day there was written in the Mineral Division the letter addressed to Mr. Schwartz and signed by Mr. Heltman, chief of division, which letter appears on page 461, Senate document, advising that the six coal entries described, "have been approved by this division for patent and are held awaiting a clear list by you." No order of clear listing appears on these cases or in the records prior to January 4, 1908, and it therefore appears that the cases were taken up in Division N and examined as to the ex parte proofs, and that the file clerk omitted to notify Division P as required by commissioner's order of September 1, 1907; that on November 5 he remembered the order or had his attention called to it

in some way, whereupon he immediately withdrew the cases from Division B and prepared for his chief's signature the letter notifying Division P of the approval which appears on page 461 of the Senate Document.

It appears from the records that the cases were thereupon held in the Mineral Division until after they were clear listed by Division P and were returned to Division B on January 6, 1908; that they were again withdrawn by the Mineral Division N, on January 23, 1908, and still remain suspended.

Very respectfully,

E. C. FINNEY,  
*Assistant to the Secretary.*

Coal entries file. L. O. Nos. 2564, 2565, 2566, 2567, 2569, 2570. No. 17, 19, 21, 23, 28, 29. From Juneau, Alaska. Withdrawn Nov. 5, 1907, by P. J. Altizer, Div. N.

3546

DEPARTMENT OF THE INTERIOR,  
Washington, April 27, 1910.

Hon. KNUTE NELSON,  
*Chairman Joint Investigating Committee,  
United States Senate.*

SIR: Referring to my testimony while being cross-examined by Mr. Brandeis (page 3195 of record) to the effect that while Mr. Garfield was Secretary I prepared for the commissioner, Mr. Fred Dennett, a memorandum with reference to the right of former employees of the Land Department to practice before it as attorneys and to the effect that section 190, R. S., is applicable only to money claims and not to land claims, I have the honor to transmit herewith the original memorandum, which you will perceive was written February 26, 1909, and to ask that same be placed on file with your committee and printed in the record as corroborative of my testimony.

Very respectfully,

E. C. FINNEY,  
*Assistant to the Secretary.*

8544

THE SECRETARY OF THE INTERIOR,  
Washington, April 27, 1910.

SIR: Replying to your letter of the 21st instant, inclosing a copy of a request for certain papers, I have to say:

(1) The "reports" referred to are presumably the letter of November 10, 1909, from Chief of Field Division Christensen to Chief of Field Service Schwartz, and also a letter from Christensen to Schwartz transmitting carbon copy of letter dated February 27, 1908, from Glavis to Schwartz. When the letter of November 10, 1909, was received Mr. Schwartz, on November 16, 1909, wrote Christensen as follows:

"On page 4 of the memorandum of papers handed you by Glavis appears the following: 'February 27, 1908, carbon copy LRG (?). Portland, to HHS, in re Cunningham coal cases, contemplated trip to Alaska of LRG, etc.' Please forward me copy of said alleged letter."

In reply to the above, Christensen forwarded to Schwartz a copy of the carbon copy returned by Glavis on November 5, 1909. A copy of Christensen's letter of November 10, 1909, containing a list of the papers delivered to Christensen by Glavis on November 5, 1909, is herewith.

(2) Copy of the affidavit of Curtis H. Lindley (testimony, 3048) was informally furnished your committee on the 20th instant. The original is an exhibit in the record of the testimony of the Cunningham cases.

3545 (3) The reports referred to are confidential records, quite voluminous, and should not be made public. The originals will be submitted to your committee at any time Mr. Brandeis may indicate he is desirous of examining them.

(4) The report "of cases pending in this division" (Field Division No. 1), dated December 8, 1908, is herewith.

Very respectfully,

R. A. BALLINGER, *Secretary.*

Hon. KNUTE NELSON,  
*Chairman Joint Investigating Committee,  
Room 210, Senate Office Building.*

THE SECRETARY OF THE INTERIOR,  
Washington, April 27, 1910.

SIR: In further reply to your letter of the 16th instant, with particular reference to the letter of February 8, 1910, from Christensen to Schwartz (testimony, page 2814), I transmit herewith said original letter, together with the enclosures therein mentioned, as follows:

Original letter, dated Seattle, Wash., April 22, 1908, from Special Agent H. T. Jones to United States Attorney Elmer E. Todd.

Original letter, dated Portland, Oreg., April 24, 1908, from Chief of Field Division L. R. Glavis to Special Agent H. T. Jones.

Original letter, dated Seattle, May 13, 1908, from United States Attorney Elmer E. Todd to Special Agent H. T. Jones.

Carbon copy of letter, dated Seattle, May 18, 1908, from United States Attorney Elmer E. Todd to Chief of Field Division L. R. Glavis.

Carbon letter, dated Portland, Oreg., May 14, 1908, from Special Agent H. T. Jones to United States Attorney Elmer E. Todd.

Unsigned letter, dated Portland, Oreg., June 8, 1908, from Chief of Field Division to Commissioner of General Land Office.

Copy of letter, dated Portland, Oreg., June 8, 1908, unsigned, from Chief of Field Division to Commissioner of General Land Office.

The letter of February 8 with its enclosures, was received in the General Land Office February 14, 1910. Upon its receipt, together with other matters received at the same time, it was laid aside to be called to the personal attention of Mr. Schwartz, who was then otherwise engaged. Through an oversight the entire package of papers was mislaid, and it was not until the 25th instant, when the package was carefully examined, that it was discovered that the letter of February 8 was therewith.

I also transmit herewith certain other papers and correspondence requested by your committee, as follows:

(2) Letter, dated February 8, 1910, from Christensen to Schwartz.

(3) Letter, dated February 9, 1910, from Christensen to Schwartz, transmitting original letter, dated July 22, 1907, from P. C. Richardson, addressed to L. R. Glavis, to which is attached copy of "Seattle Star" of July 20, 1907.

(4) Letter, dated February 5, 1910, from Christensen to Schwartz, to which is attached letter, dated January 13, 1910, signed C. B. Walker, addressed to Christensen; also carbon copy of receipt, dated August 6, 1909, by Special Agent Bowman for certain letters and papers received from Juneau office.

(5) Letter, dated February 9, 1910, from Christensen to Schwartz, transmitting original and copy of affidavit of Miss Shartell, to which is attached a list of "Original letters and telegrams, etc.;" affidavit, dated February 9, 1910, of Mr. Christensen; affidavit, dated February 9, 1910, of G. W. O'Neil, to which is attached a "List of original letters and telegrams found by G. W. O'Neil, etc.," and initialed by "A. C.," and "G. W. O'N.;" also, "A list of papers, letters, books, affidavits, etc., found by O'Neil, etc.," dated February 8, 1910, each page of which is initialed "A. C." and "G. W. O'N."

Very respectfully,

R. A. BALLINGER, *Secretary.*

HON. KNUTE NELSON,

*Chairman Joint Investigating Committee,  
Room 210, Senate Office Building.*

3546

THE SECRETARY OF THE INTERIOR,  
Washington, April 27, 1910.

SIR: Referring to your letter of the 21st instant, requesting all the papers relating to the discharge of Mr. John W. Dudley from the position of register of the local land office, Juneau, Alaska, I wish to say that careful search has been made for the affidavit by Special Agent Bowman, which, it is assumed, related to Mr. Dudley's official conduct, without the same having been located up to this time. There do not appear to be any other papers relating to the official conduct of Mr. Dudley in the files of the department other than those submitted on the 21st instant.

Very respectfully,

R. A. BALLINGER, *Secretary.*

HON. KNUTE NELSON,

*Chairman Joint Investigating Committee,  
Room 210, Senate Office Building.*

THE SECRETARY OF THE INTERIOR,  
Washington, April 27, 1910.

SIR: Referring to your letter of March 16, requesting all papers relating to the purchase of the allotment of one Charles Bluejacket by one Paul Ewart, and my reply thereto of March 24, I transmit herewith a copy of the report of an inspector of this department with regard to the regularity of the transaction in question, together with copies of all correspondence, etc., relating to this matter in the possession of the inspector at the time my letter of March 24 was written.

Very respectfully,

R. A. BALLINGER, *Secretary.*

Hon. KNUTE NELSON,  
*Chairman Joint Investigating Committee.*  
Room 210, Senate Office Building.

DEPARTMENT OF THE INTERIOR,  
Washington, April 28, 1910.

Hon. KNUTE NELSON,  
*Chairman Joint Committee, United States Senate.*

SIR: On page 3203 of the testimony appears a request from Mr. Louis D. Brandeis for the submission of telegrams in this department with reference to certain homesteads in the former Siletz Indian Reservation. Copies of telegrams and letters pertaining to said matter are herewith transmitted.

Very respectfully,

R. A. BALLINGER, *Secretary.*

3689

OFFICE OF SECRETARY OF THE INTERIOR,  
Washington, April 30, 1910.

SIR: As coming within the purview of previous calls of your committee for records of this department, I transmit herewith certain original letters and telegrams, copies of practically all of which have already been furnished your committee, and are now printed in the record on the pages indicated in parentheses after each item, as follows:

Telegram, January 31, 1910, Christensen to Schwartz.  
Letter, January 31, 1910, Christensen to Schwartz.  
Letter (p. 2783), January 31, 1910, Christensen to Schwartz.  
Letter (p. 2787), January 31, 1910, Christensen to Schwartz.  
Telegram (p. 2784), January 31, 1910, Christensen to Schwartz.  
Telegram, February 1, 1910, Christensen to Schwartz.  
Letter, February 2, 1910, Christensen to Schwartz.  
Letter (p. 2792), February 2, 1910, Christensen to Schwartz.  
Telegram, February 2, 1910, Christensen to Commissioner General Land Office.  
Telegram, February 2, 1910, Christensen to Commissioner General Land Office.  
Letter (p. 2791), February 3, 1910, Christensen to Schwartz.  
Letter (p. 2789), February 4, 1910, Christensen to Schwartz.  
Letter (p. 2789), February 4, 1910, Christensen to Schwartz.  
Letter (p. 2807), February 4, 1910, Christensen to Commissioner General Land Office.  
Letter, February 5, 1910, Christensen to Commissioner General Land Office.  
Letter (p. 2789), February 8, 1910, Christensen to Schwartz.  
Letter (p. 2813), February 8, 1910, Christensen to Schwartz.  
Letter (p. 2813), February 8, 1910, Christensen to Schwartz.  
Letter, February 9, 1910, Christensen to Schwartz.  
Telegram (p. 2784), February 10, 1910, Christensen to Schwartz.  
Telegram (p. 2815), February 10, 1910, Christensen to Schwartz.  
Telegram, February 16, 1910, Christensen to Schwartz.  
Letter, February 16, 1910, Christensen to Schwartz.  
Telegram, February 17, 1910, Christensen to Schwartz.  
Telegram, February 19, 1910, Christensen to Schwartz.  
Telegram, February 19, 1910, Christensen to Schwartz.  
It will be noted that the letter from Christensen to Schwartz of February 5, 1910, referred to by Mr. Brandeis in his letter of April 27, is among the papers herewith.

Very respectfully,

R. A. BALLINGER, *Secretary.*

Hon. KNUTE NELSON,  
*Chairman Joint Investigating Committee,*  
United States Senate.

OFFICE OF SECRETARY OF THE INTERIOR,  
Washington, April 30, 1910.

SIR: In further reply to your request for a list of all the companies seeking patents for coal lands in Alaska under the act of May 28, 1908, in connection with which I invite your attention to my letter to you of April 13, 1910, I have to say that on April 14, 1910, the original papers relating to the three applications mentioned by me were informally submitted to your committee to enable Mr. Brandeis to make an examination thereof. Mr. Brandeis examined said papers hurriedly and thereupon informally requested the clerk in whose custody they were sent to you to submit a schedule of all the papers in each case.

In accordance with said informal request lists of the papers in Juneau, Alaska, serials 0456 (Chignik Coal Mining Company); 0862 (Pittsburg Coal Company); and 01222 (Cleveland Coal Company), are herewith.

Very respectfully,

R. A. BALLINGER, *Secretary.*

HON. KNUTE NELSON,  
*Chairman Joint Investigating Committee, United States Senate.*

3812

DEPARTMENT OF THE INTERIOR,  
OFFICE OF FIRST ASSISTANT SECRETARY,  
Washington, May 2, 1910.

HON. KNUTE NELSON, *Chairman Joint Committee.*

SIR: In answer to your letter of the 30th ultimo, I have to say that I do not know of and have not in my possession any letters, telegrams, memorandum, or other papers not heretofore produced received by me from or sent by me to the Attorney-General in connection with the investigation into the Glavis charges, so called, or the Cunningham cases, so called. The fact of the matter is that I do not know of any official or private correspondence with the Attorney-General on the subject.

Very respectfully, yours,

FRANK PIERCE,  
*First Assistant Secretary.*

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
OFFICE OF THE COMMISSIONER,  
Washington, May 2, 1910.

HON. KNUTE NELSON,  
*Chairman Joint Committee.*

DEAR SIR: I am in receipt of your letter of April 30, 1910, inclosing copy of letter from Louis D. Brandeis, to you as chairman of the joint committee, under date of April 28, 1910, reading as follows:

"I respectfully request that each of the following persons, to wit, Don C. Carr, H. H. Schwartz, Fred Dennett, Frank Pierce, E. C. Finney, and F. W. Clements, be requested to produce to this committee the following papers:

"Any letters, telegrams, memoranda, and other papers, not heretofore produced, received by him from, or sent by him to, the Attorney-General in connection with any investigation into the Glavis charges, so called, or the Cunningham cases, so called."

In answer to the request of the joint committee that I comply with the letter of Mr. Brandeis, would state that I have never corresponded with or received correspondence from the Attorney-General in connection with any investigation into the Glavis charges, so called, or the Cunningham cases, so called, and, therefore, have not in my possession any letters, telegrams, memoranda, or other papers not heretofore produced, received by me from, or sent by me to, the Attorney-General in connection with any investigation of the Glavis charges, so called, or the Cunningham cases, so called.

Very respectfully,

FRED DENNETT,  
*Commissioner.*



DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,  
Washington, May 2, 1910.

Hon. KNUTE NELSON,

*Chairman Joint Committee of Congress, United States Senate.*

SIR: I have the honor to acknowledge receipt of your letter of the 30th ultimo, inclosing copy of a letter from Mr. Louis D. Brandeis, requesting that I produce to your committee the following papers:

Any letters, telegrams, memoranda, and other papers not heretofore produced, received by him from, or sent by him to, the Attorney-General in connection with any investigation into the Glavis charges, so called, or the Cunningham cases, so called.

In this connection I invite your attention to that part of my letter of April 1 last, addressed to you, responding to your letter of March 30, wherein I stated as follows:

3813 "I do not now recall having prepared in whole or in part any other memorandum, paper, or letter, official or personal, relating to the Cunningham claims, or the so-called Glavis charges, and have no knowledge of any such papers not now available for production."

This would seem to be a complete answer to the request now made by Mr. Brandeis, but notwithstanding this, I have now to advise you that I have never received from, nor have I sent to, the Attorney-General any letter, telegram, memorandum, or other papers in connection with any investigation into the Glavis charges, so called, or the Cunningham cases, so called.

Very respectfully,

F. W. CLEMENTS,  
*First Assistant Attorney.*

3813

WASHINGTON, May 2, 1910.

DEAR SIR: I have the honor to acknowledge receipt of your letter of April 30 asking that I comply with the request contained in the letter of April 28 from Mr. Brandeis, copy of which you transmit.

In compliance therewith I beg to say that I have neither addressed to nor received from the Attorney-General any letters, telegrams, memoranda, or other papers relating in any way whatever to the so-called Glavis charges or the Cunningham cases.

Very respectfully,

DON M. CABE,  
*Private Secretary.*

Hon. KNUTE NELSON,

*Chairman, Joint Investigating Committee,  
United States Senate.*

DEPARTMENT OF THE INTERIOR,  
Washington, May 2, 1910.

Hon. KNUTE NELSON,

*Chairman Joint Committee of Congress, United States Senate.*

DEAR SIR: In reply to your letter of April 30, 1910, inclosing copy of a portion of letter from Mr. Louis D. Brandeis, dated April 28, 1910, with direction that I comply with request contained therein, I have the honor to advise that I know of no letters, telegrams, memoranda, or other papers which were received by me from the Attorney-General or sent by me to the Attorney-General in connection with any investigation into the Glavis charges or the Cunningham cases, and I have none whatever in my possession.

Very respectfully,

E. C. FINNEY,  
*Assistant to the Secretary.*

DEPARTMENT OF THE INTERIOR,  
GENERAL LAND OFFICE,  
Washington May 2, 1910.

HON. KNUTE NELSON,  
*Chairman Joint Investigating Committee.*

SIR: I have your communication of April 30, 1910, as follows:

"I hand you herewith a copy of a portion of a letter from Louis D. Brandeis to me, dated April 28, 1910, and by direction of the Joint Committee of Congress to Investigate the Department of the Interior and the Bureau of Forestry ask that you comply with the request contained in the portion of Mr. Brandeis's letter referred to"—to which is attached a letter of April 28, 1910, from Louis D. Brandeis to yourself, as follows:

"I respectfully request that each of the following persons, to wit, Don C. Carr, H. H. Schwartz, Fred Dennett, Frank Pierce, E. C. Finney, and F. W. Clements, be requested to produce to this committee the following papers:

"Any letters, telegrams, memoranda, and other papers, not heretofore produced, received by him from, or sent by him to, the Attorney-General in connection with any investigation into the Glavis charges, so called, or the Cunningham cases, so called \* \* \*"

I beg to advise you that there has never existed any letters, telegrams, memoranda, or other papers, or any other form of communication, received by 3814 me from the Attorney-General, or by me sent or given to the Attorney-General, in connection with any investigation into the Glavis charges, so called, or the Cunningham cases, so called.

The subject-matter of the request never having had existence, I am, of course, unable to produce to the committee any such papers or information.

Very respectfully,

H. H. SCHWARTZ,  
*Chief of Field Service.*

WASHINGTON, May 2, 1910.

SIR: Complying with your request of April 28, 1910, I transmit herewith certain of the communications mentioned in the letter of Mr. Brandeis of April 27, as follows:

Original letter, June 22, 1908, Dennett to Glavis.

Copy of letter, August 8, 1908, Dennett to Glavis.

Copy of letter, September 15, 1908, Schwartz to Glavis.

Carbon copy of letter of November 2, 1908, Glavis to Schwartz, to which is attached carbon copy of telegram dated October 27, 1908, presumably from Glavis to Mr. Pinchot.

Copy of telegram, April 24, 1909, Schwartz to Glavis.

The letters and telegrams herewith are all of those requested which appear to be in the files of the General Land Office. By letter and telegram of the 29th ultimo the chief of field division at Portland, Oreg., was directed to forward at once all of the remaining communications requested which may be in his possession. They will be transmitted to you as soon as received.

Very respectfully,

R. A. BALLINGER, *Secretary.*

HON. KNUTE NELSON,  
*Chairman Joint Investigating Committee,*  
*United States Senate.*

WASHINGTON, May 2, 1910.

SIR: In further reply to your request of April 21 for the files of the department relating to the discharge of John W. Dudley, with particular reference to an affidavit by Dudley taken before Special Agent Bowman, I transmit said affidavit herewith. This affidavit was in the office of the chief of field division at Seattle, Wash., and was forwarded by him April 25, 1910, to the Chief of Field Service in response to a telegraphic request therefor.

Very respectfully,

R. A. BALLINGER, *Secretary.*

HON. KNUTE NELSON,  
*Chairman Joint Investigating Committee,*  
*United States Senate.*

3922

THE SECRETARY OF THE INTERIOR,  
Washington, May 6, 1910.

SIR: Complying with the request contained in your letter of May 3, I have the honor to transmit herewith a copy of a letter dated Seattle, Wash., July 11, 1907, from the then Commissioner of the General Land Office to Special Agent Jones. Special Agent Jones has been directed to produce the original of said copy if the same is obtainable and has taken the necessary steps by wire to comply with said direction as soon as possible.

In partial compliance with the third paragraph of the letter which accompanied your communication of April 28, I transmit copies of reports by Inspector Keys of his inspection of the several reclamation projects as follows:

North Platte, Nebr., dated June 5, 1909;

Grand Junction, Colo., dated June 18, 1909;

Consolidated report on Flathead, Blackfeet, Huntley, etc., dated October 4, 1909.

There are also herewith in compliance with your request of the 4th instant:

(1) Original telegram of August 15, 1907, Special Agent Jones to the Commissioner of the General Land Office. Office copy of telegram of August 16, 1907, Acting Commissioner of the General Land Office to Special Agent Jones. Office copy of letter of August 17, 1907, Acting Commissioner of the General Land Office to Special Agent Jones;

(2) Original letter dated August 15 (?), 1907, Special Agent Jones to Commissioner of the General Land Office;

(3) and (4) Chief of Field Division Christensen has been directed by wire to procure, if possible, and forward immediately the letters of instructions Neuhansen to Jones, dated August 20 and 21, 1907, respectively; they will be furnished as soon as received;

(5) Copy of telegram dated April 24, 1909, Schwartz to Glavis;

(6) In connection with the request for the "statement prepared by Cunningham referred to in testimony 3603," your attention is respectfully invited to the testimony of Secretary Ballinger as contained on page 3691 of the proceedings of the hearing before your committee.

By direction of the Secretary:

DON M. CARR, *Private Secretary.*

HON. KNUTE NELSON,

*Chairman Joint Investigating Committee,  
Senate Office Building, Washington, D. C.*

4092

DEPARTMENT OF THE INTERIOR,  
Washington, May 10, 1910.

HON. KNUTE NELSON,

*Chairman Joint Committee of Congress, United States Senate.*

SIR: In accordance with request of Mr. L. D. Brandeis, I inclose herewith copy of telegram of Acting Commissioner, August 12, 1907, directing Special Agent Jones to proceed to Salt Lake City for duty.

Very respectfully,

R. A. BALLINGER, *Secretary.*

DEPARTMENT OF THE INTERIOR,  
Washington, May 10, 1910.

HON. KNUTE NELSON,

*Chairman Joint Committee of Congress, United States Senate.*

SIR: In compliance with request made of me by Mr. L. D. Brandeis, page 8890 of the record, I transmit herewith affidavits of applicants in cases of Juneau coal entries Nos. 1, 2, 3, 4, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 30, 32, and 33.

The affidavit in coal entry No. 5 is now with the committee; a copy was printed, page 3285 of the record. The affidavits in coal entries Nos. 22, 23, 24, 25, 26, and 31 were sent to the committee on February 28, 1910, record, page 1211. The Commissioner of the General Land Office reports that he has not been able to find the affidavits in coal entries No. 11, of John G. Cunningham; No. 27, John A. Finch; No. 28, Walter B. Moore; and No. 29, Arthur D. Jones.

It is presumed that these affidavits have been either lost or mislaid, but it would appear from the records in this and in the hearing before Commissioner McGee that these affidavits were all in the same form.

I also inclose herewith affidavits in coal entry No. 12, made by Clarence Cunningham. This affidavit is Exhibit No. 1 in the Cunningham hearing.

All the affidavits in question being original records in this department, should be returned to it when they have served the purpose desired by the committee.

Very respectfully,

R. A. BALLINGER, *Secretary.*

4187

DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,  
*Washington, May 11, 1910.*

Hon. KNUTE NELSON,

*Chairman Joint Investigating Committee, Washington, D. C.*

MY DEAR SENATOR: Responsive to yours of May 10, 1910, inclosing request from L. D. Brandeis for copy of memorandum prepared by me in the matter of the so-called charges of one L. R. Glavis, I have to state that at the request of the President of the United States I prepared a memorandum of the facts shown by the records, which was delivered by me to the Attorney-General. I considered it manifestly improper to retain any copy of said document and did not do so.

Very respectfully,

OSCAR LAWLER,  
*Assistant Attorney-General.*

4188

WASHINGTON, *May 11, 1910.*

DEAR SIR: In further compliance with your request of the 28th ultimo, I transmit herewith correspondence delivered to Chief of Field Division Christensen by L. R. Glavis, November 5, 1909, as follows:

Carbon copy of letter, November 14, 1907, Glavis to Schwartz.

Original letter, November 22, 1907, Schwartz to Glavis.

Original letter, January 15, 1908, Schwartz to Glavis (with inclosure, telegram, January 2, 1908, commissioner to Glavis).

Original letter, April 27, 1908, Schwartz to Glavis.

Carbon copy of letter, July 20, 1908, Glavis to Schwartz.

Original letter, July 27, 1908, Schwartz to Glavis.

Original letter, August 4, 1908, Miss Patten to Glavis.

Original letter, August 6, 1908, Schwartz to Glavis (with inclosure, carbon copy of letter, August 6, 1908, Schwartz to Mr. Stearns).

Original letter, September 3, 1908, Glavis to Schwartz (with carbon).

Original letter, September 11, 1908, Schwartz to Glavis.

Original letter, September 15, 1908, Schwartz to Glavis. (Copy furnished May 2).

Carbon copy of letter, October 14, 1908, Glavis to Schwartz.

Original letter, November 23, 1908, Glavis to Schwartz.

Original letter, December 9, 1908, Doyle to Glavis.

Original letter, December 21, 1908, Miss Patten to Glavis.

Original letters, January 4, January 11, and January 18, 1909, Miss Patten to Glavis.

Carbon copy of letter, January 29, 1909, Glavis to Schwartz.

Carbon copy of letter, February 19, 1909, Glavis to Hon. R. A. Ballinger.

Original letter, February 20, 1909, Hon. R. A. Ballinger to Glavis.

Carbon copy of letter, March 5, 1909, Glavis to Schwartz.

Carbon copy of letter, March 5, 1909, Glavis to Doyle.

Press copy of letter, May 24, 1909, Glavis to Attorney-General.

Carbon copy of letter, May, 1909, Glavis to Attorney-General.

Original letter, April 30, 1908, Kennedy to Glavis.

There are also transmitted herewith copies of departmental files, Nos. 25-18, parts 1 and 2, and 5-20, part 2, covering correspondence had with Inspector Keys, of this department.

Very respectfully,

R. A. BALLINGER, *Secretary.*

Hon. KNUTE NELSON,

*Chairman Joint Investigating Committee,  
United States Senate.*

4364

OFFICE OF THE ATTORNEY-GENERAL,  
Washington, D. C., May 14, 1910.

HON. KNUTE NELSON,

*Chairman Joint Committee of Congress to Investigate  
the Interior Department and Forestry Bureau.*

DEAR SIR: I am in receipt of your letter of 13th instant, transmitting a letter received by you on the same date from Mr. Louis D. Brandeis, asking:

(1) That I be requested to produce to your committee "the so-called memorandum prepared by Mr. Lawler at the request of the President," and further requesting me to state in writing (1) when I first received said memorandum; (2) "whether said memorandum has been in his possession continually since it was first received by him, and if not, what disposition was made of it from time to time."

In reply I beg to say that on receipt of your letter I caused a further careful search to be made in the files of the department, and have found a paper which I transmit to you herewith, and which is either the original or a copy of the memorandum prepared by Mr. Lawler. I first received either this or a copy of this memorandum from Mr. Lawler on September 11, 1909.

(2) To the best of my recollection, I left the memorandum with other papers at the President's house in Beverly on September 12, and received it in New York about a week later, together with other documents and memoranda relating to the Glavis matter. Since that time, to the best of my information it has been in the possession of my secretary or among the papers in this department, although it seems to have been overlooked in collecting papers in answer to your previous communications.

I have the honor to be,

Very respectfully, yours,

GEO. W. WICKERSHAM,  
*Attorney-General.*

4391

DEPARTMENT OF THE INTERIOR,  
Washington, May 4, 1910.

SIR: Complying with the request of Mr. Brandeis, contained in paragraph 2, page 3963 of the joint committee hearings, I have the honor to transmit herewith, all the affidavits which accompanied the report of Agent Jones, dated August 13, 1907, with the exception of those affidavits which have heretofore been sent up to the joint committee, viz:

- Ex. No. 1, affidavit of J. Frank Watson, dated July 5, 1907.
- Ex. No. 2, affidavit of Harry White, dated July 30, 1907.
- Ex. No. 3, affidavit of H. J. Morrison, dated August 2, 1907.
- Ex. No. 4, affidavit of F. C. Harper, dated August 5, 1907.
- Ex. No. 5, affidavit of D. H. Brown, dated August 2, 1907.
- Ex. No. 6, affidavit of C. M. Cartwright, dated August 1, 1907.
- Ex. No. 7, affidavit of A. B. Crosman, dated August 1, 1907.
- Ex. No. 8, affidavit of Fred S. Stanley, dated July 30, 1907.
- Ex. No. 9, affidavit of George H. Hill, dated July 30, 1907.
- Ex. No. 10, affidavit of Fred Jacobs, dated August 5, 1907, and Andrew Anderson, dated August 5, 1907.
- Ex. No. 11, affidavit of Godfrey H. Mueller, dated August 4, 1907.
- Ex. No. 12, affidavit of Martin J. Kalez, dated August 4, 1907.
- Ex. No. 13, appears on hearings, page 2473.
- Ex. No. 14, appears on hearings, page 2422.
- Ex. No. 15, affidavit of Frederick Felitz, dated August 8, 1907, and Andrew N. Lydon, dated August 8, 1907.
- Ex. No. 16, affidavit of Harvey S. Moore, dated August 3, 1907.
- Ex. No. 17, affidavit of James T. Royles, dated July 31, 1907.
- Ex. No. 18, affidavit of Mabel B. McIntyre, dated August 5, 1907.
- Ex. No. 19, affidavit of William Gollstein, dated August 7, 1907.
- Ex. No. 20, appears on hearings, page 2481.
- Ex. No. 20a, affidavit of H. K. Love, dated August 10, 1907.
- Ex. No. 20b, affidavit of H. K. Love, dated August 10, 1907.
- Ex. No. 20c, affidavit of H. K. Love, dated August 10, 1907.
- Ex. No. 21, appears on hearings, page 622.
- 4392 Ex. No. 22, affidavit of Oscar Foote, dated August 10, 1907.
- Ex. No. 23, affidavit of Mrs. E. E. Foote, dated August 9, 1907.
- Ex. No. 24, affidavit of William Devere and George Hartig, dated August 9, 1907.

Ex. No. 24½, affidavit of H. K. Love, dated August 10, 1907.

Ex. No. 25, affidavit of Henry R. Harriman, dated August 10, 1907.

Very respectfully,

R. A. BALLINGER, *Secretary.*

To Hon. KNUTE NELSON,

*Chairman Joint Investigating Committee,*

*Senate Office Building, Washington, D. C.*

4705

THE SECRETARY OF THE INTERIOR,

*Washington, May 17, 1910.*

SIR: Complying with the request contained in your letter of the 12th instant, there are transmitted herewith copies of correspondence as follows:

1. Letter, June 27, 1907, Agent Jones to Commissioner Dennett.

Letter, June 29, 1907, Commissioner Dennett to Agent Jones.

Telegram, July 3, 1907, Neuhausen to Commissioner Dennett.

Telegram, July 18, 1907, Agent Jones to Agent Love.

Letter, August 1, 1907, Agent Jones to Commissioner Dennett.

Letter August 19, 1907, Agent Jones to Commissioner Dennett.

Letter, August 27, 1907, Agent Jones to Commissioner Dennett.

Copies of certain papers requested in this paragraph have heretofore been furnished your committee, and will be found on the following pages of the record of proceedings:

Senate Document, page 23.

Senate Document, page 25.

Senate Document, page 450.

Senate Document, page 453.

4706 Senate Document, page 461.

Hearings, page 3922.

Hearings, page 3944.

Hearings, page 4008.

2. With regard to the letter of September 14, 1909, from George E. Wightman, the General Land Office reports it is unable to find any such letter, but there is transmitted herewith a letter from Wightman, not dated, received in the General Land Office August 23, 1909, together with a copy of the reply, dated September 4, 1909.

3. As to paragraph 3, all correspondence from and to Mr. Thomson was submitted to you to-day.

4. As to paragraph 4, all letters and telegrams coming within the purview of this paragraph have heretofore been submitted to your committee.

5. There was no letter from Mr. Massey to me such as requested. The letter of August 14, 1909, from Mr. Moore was received in the department during my absence. Mr. Massey acknowledged the receipt of said letter to Mr. Moore and forwarded the same, together with a copy of his acknowledgment, to me, and in the upper right-hand corner of Mr. Moore's letter made a notation to the effect that he had given a copy of Mr. Moore's letter to Mr. Lawler.

Very respectfully,

R. A. BALLINGER, *Secretary.*

HON. KNUTE NELSON,

*Chairman Joint Investigating Committee, United States Senate.*

THE SECRETARY OF THE INTERIOR,

*Washington, May 17, 1910.*

SIR: Replying to your letter of the 9th instant, I transmit herewith:

1. Manual of instructions to special agents of the General Land Office.

2. Copies of the following letters of instructions in the Dorgan and Devine case:

Nov. 10, 1903, to Agent Hobbs.

Nov. 10, 1903, to Agent Neuhausen.

Nov. 19, 1903, to Agent Jones.

Dec. 18, 1903, to Agent Hobbs.

Mar. 4, 1904, to Agent Jones.  
 Aug. 2, 1904, to Agent Neuhausen.  
 Sept. 15, 1904, to Agent Jones.  
 Sept. 15, 1904, to Agent Scott.  
 Sept. 15, 1904, to Agent Neuhausen.  
 Nov. 30, 1904, to Agent Jones.  
 Nov. 5, 1908, to Agent Dixon.  
 Dec. 9, 1909, to Agent Christensen.  
 Jan. 17, 1910, to Agent Christensen.

3. The general Land Office is unable to find any letter of instructions to Special Agent Jones with regard to homestead entry 8254, The Dalles, Oreg., series, of Thomas W. Calbreath, on which final certificate 5733 issued. The record shows that Agent Jones made a favorable report on this entry January 4, 1908, and a supplemental report under date of February 6, 1908.

4. The letter of July 24, 1907, from Special Agent Love to the register and receiver of the Juneau office, relating to the coal entry of Ignatius Mullen. The papers in this case were sent to your committee April 20, 1910.

Referring to the request of May 3 for letters of instructions of August 20 and 21, 1907, from Mr. Neuhausen to Agent Jones, the General Land Office is informed by Chief of Field Division Christensen that a careful search through the records of his office, which included the papers in the desk used by Special Agent Jones, fails to disclose any such letters or copies thereof. Former Special Inspector Neuhausen is of the opinion that the letter of August 20 instructed Jones to proceed to Lakeview and examine the records of that office in connection with an investigation then being made of a large number of lieu selections.

Very respectfully,

R. A. BALLINGER, *Secretary.*

HON. KNUTE NELSON,  
*Chairman Joint Investigating Committee, United States Senate.*

4534

DEPARTMENT OF THE INTERIOR,  
 Washington, May 18, 1910.

HON. KNUTE NELSON,  
*Chairman Joint Investigating Committee, United States Senate.*

SIR: On Tuesday, May 17, your committee verbally requested my assistant, Mr. Finney, to produce all correspondence of "George W. Perkins or J. P. Morgan & Co., and Mr. Ballinger, either in his official or personal character," and an allusion was made to the so-called Morgan-Guggenheim syndicate. In accordance with the direction of your committee and my direction, Mr. Finney has personally examined the card index of what are known as the confidential files, the card index of the mails and files division, and my personal letter file, and states that the only correspondence he can find therein or referred to therein from or to Mr. George W. Perkins other than the letters furnished to your committee Tuesday and printed at pages 4462 to 4469 of the record are the inclosed nine original letters and carbon copies of letters with reference to the naming and charting of certain Alaska glaciers. I have no objection whatever to having all of this correspondence inspected by the attorneys for any of the parties or by the public.

Mr. Finney also states that he finds no record whatever in the personal, confidential, or official files of any letters written by me to, or received from, Messrs J. P. Morgan & Co., or the Morgan-Guggenheim syndicate, so called.

A large number of letters have been received in the department at various times from Senator Simon Guggenheim, of Colorado, relating to official business of various kinds and such communications, together with copies of the replies thereto are in the official files of this office, but Mr. Finney informs me that, so far as the card index shows, they appear to have no reference to Alaskan matters or matters pertaining to the investigation now being conducted by your committee. If, however, the committee desires this correspondence submitted to it, I shall be glad to furnish the same.

Very respectfully,

R. A. BALLINGER, *Secretary.*

4707

THE SECRETARY OF THE INTERIOR,  
*Washington, May 19, 1910.*

SIR: Replying to your letter of the 13th instant I have the honor to transmit herewith all papers relating to charges filed against Chief of Field Division Colter. I wish to suggest, out of fairness to Mr. Colter, in the event it is desired to introduce in evidence any portion of this correspondence, that all of the same should be printed in the record.

Very respectfully,

R. A. BALLINGER, *Secretary.*

Hon. KNUTE NELSON,  
*Chairman Joint Investigating Committee,  
 United States Senate.*

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4785

THE SECRETARY OF THE INTERIOR,  
*Washington, May 20, 1910.*

SIR: Referring to request of Mr. L. D. Brandeis, that letter from Mr. George W. Perkins, dated June 19, 1909, inviting my son to accompany Mr. and Mrs. Perkins on a trip to Alaska, to which letter I made reply June 20, 1909 (p. 4468 of the record), be produced, I have the honor to advise you that a further and careful search fails to disclose said letter. My son left Williams College on June 17, and it is my impression that Mr. Perkins's invitation was forwarded to him, presumably as an inclosure in a letter to Mrs. Ballinger. I will endeavor, however, to secure the original or a copy of the letter and file same with your committee.

4766 I am also advised that Mr. Brandeis stated that he had some reason to believe that a letter was written to me by Mr. Perkins in September, 1909. I am unable to find any such letter or to recall the receipt of a letter from Mr. Perkins during the month of September, or about that period. I have already furnished the committee all letters or copies of letters from or to Mr. Perkins which could be found. If, however, Mr. Brandeis can furnish any additional information relative to the supposed communication, I will be glad to look into the matter further and endeavor to produce the letter or a copy if any such letter was written and received.

No correspondence between Mr. Perkins and myself ever related to any business transaction or business matter in which I had any interest, direct or indirect, and the same was purely a matter of friendly concern.

Very respectfully,

R. A. BALLINGER, *Secretary.*

Hon. KNUTE NELSON,  
*Chairman Joint Investigating Committee,  
 United States Senate.*





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